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Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 51— December 22, 1995

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April 14, 1995 - Issue 15: Through	March 31, 1995
July 14, 1995 - Issue 28: Through	June 30, 1995
October 13, 1995 - Issue 41: Through	September 30, 1995
January 12, 1996 - Issue 2: Through	December 31, 1995 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
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Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
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May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
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June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULE

1) Heading of the Part: Secure Residential Youth Care Facilities

2) Code Citation: 20 Ill. Adm. Code 801

3) Section Numbers: Proposed Action:

801.10	New Section
801.15	New Section
801.20	New Section
801.25	New Section
801.30	New Section
801.40	New Section
801.50	New Section
801.60	New Section
801.70	New Section
801.80	New Section
801.90	New Section
801.100	New Section

4) Statutory Authority: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures for emergency licensure procedures and operating standards for the operation of Secure Residential Youth Care Facilities. Such facilities will provide a secure residential setting for the care, treatment, and custody of youth adjudicated delinquent who have been transferred to the custody of the Department under Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11]. This rule is necessary to replace emergency rules published elsewhere in this issue to provide the Department licensure means to issue emergency permits when it is determined there is an urgent need for secure bed space.

6) Will this proposed rulemaking replace any emergency rulemaking currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULE

Donald N. Snyder, Jr.

Deputy Director

Illinois Department of Corrections

1301 Concordia Court

P.O. Box 19277

Springfield, IL 62794-9277

(217) 522-2666, extension 2082

All written comments received within 45 days of the date of this publication will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Secure Residential Youth Care Facilities

B) Reporting, bookkeeping or other procedures required for compliance: Accrual accounting, population reports, reports of unusual incidents, and other periodic reporting as indicated in the rule.

C) Types of professional skills necessary for compliance: Degrees appropriate to the position, such as a degree in Human Services, Social Work, etc. and skills in the treatment, care, development, and behavior management of children.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is necessary to permanently establish rules for the emergency licensure and operation of Secure Residential Youth Care Facilities.

The full text of the Proposed Rule is identical to the emergency rulemaking published in this issue of the Illinois Register on page _____.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Health and Safety2) Code Citation: 56 Ill. Adm. Code 3503) Section Numbers:

350.210

350.280

Proposed Action:

Amendment

Amendment

4) Statutory Authority: Implementing and authorized by the "Safety Inspections and Education Act" (820 ILCS 220) and the "Health and Safety Act" (820 ILCS 225).5) A Complete Description of the Subjects and Issues Involved: Section 4 of the Health and Safety Act states that all federal occupational safety and health standards promulgated, modified, or revoked by the US Secretary of Labor shall be made rules of the Director. The previous rulemaking adopted all final federal health and safety rules and amendments effective November 3, 1994. This rulemaking amends the Department rules by adopting the federal occupational safety and health rules published in 29 CFR 1910, 1915, and 1926 that are effective as of July 1, 1995, and subsequently amended as described below.

Occupational Exposure to Lead: Amendment to Final Rule: October 11, 1995
60 FR 52856-52959 This rule contains OSHA's determination that compliance is feasible in the brass and bronze ingot manufacturing industry. Table 1 of the standard is amended to reflect the lifting of a judicial stay of certain compliance dates affecting some industries. Because we do not regulate private industry, this rule will have no impact.

Occupational Exposure to Asbestos: Correction to Final Rule: September 29, 1995 60 FR 50411-50413 This rule adopts minor changes and clarifications of the asbestos standard within the construction and shipyard industries. These are the same minor corrections and clarifications that were adopted for general industry on June 29, 1995.

Logging Operations: Corrections and Technical Amendments: September 8, 1995 60 FR 47022-47037 This rule corrects and amends the final rule published October 12, 1994. None of the changes are substantive.

Logging Operations: Partial Stay: August 9, 1995 60 FR 40457-40458 This rule extended the partial stay of 12 provisions in the logging standard an additional 30 days, until September 8, 1995.

Safety Standards for Fall Protection in the Construction Industry: Notice: August 2, 1995 60 FR 39254-39255 OSHA has withdrawn certain amendments to Subparts E and M of 29 CFR 1926 to clarify that the steel erection industry is not covered by recently enacted fall protection

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

amendments found in Subpart M. Regulatory impact is negligible.

Occupational Exposure to Asbestos: Corrections: July 13, 1995 60 FR 36043-36044 This document contains additional minor corrections supplementing those published June 29, 1995. There is no regulatory impact.

Occupational Exposure to Asbestos: Corrections: June 29, 1995 60 FR 33973-34002 This rule corrects technical and typographical errors to the preamble and text of the asbestos standard amendments issued August 10, 1994. The corrections and amendments are based on existing record, and do not significantly change the rule.

Occupational Exposure to Asbestos: Notice: June 28, 1995 60 FR 33343-33345 OSHA extended the compliance dates for certain provisions of the amended asbestos standard until October 1, 1995.

Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment: Final Rules Correction: March 16, 1995 60 FR 14218-14220 OSHA has issued clarification to the rules issued July 25, 1994. Revisions include clarifying the order of atmospheric testing before employees enter the confined space; work practices during installation of ventilation, confined space rescue and "hot work" operations; and correction of typographical errors. Regulatory impact will be minimal.

Occupational Exposure to Asbestos: Correction: March 1, 1995 60 FR 11194 This notice makes minor corrections to the notice published February 21, 1995.

Occupational Exposure to Asbestos: Extension of Start Up Dates: February 21, 1995 60 FR 9624-9626 This rule establishes compliance dates for certain amendments to the asbestos rule. Many of the amendments became effective February 21, 1995, and others were extended to July 10, 1995. There is no regulatory impact to this rule.

Logging Operations: Notice of Stay of Enforcement: February 8, 1995 60 FR 7447-7449 This notice stays enforcement of certain provisions of 29 CFR 1910.266 until August 9, 1995. Provisions included foot protection, face protection, first aid kit requirements, certain work practices, and machinery safety features. There is no regulatory impact.

Safety Standards for Fall Protection in the Construction Industry: Delay of Effective Date: January 26, 1995 60 FR 5131-5133 This rule delayed applicability to the non-building steel erection industry, and delayed applicability of certain provisions for all sectors until August 6, 1995. There is no regulatory impact to this rule.

Hazard Communication: Correction: December 22, 1994 59 FR 65947-65948

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

OSHA is clarifying language in the HCS that exempts materials covered by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The correction states that this exemption applies only under circumstances that are fully regulated by EPA, making the program duplicative. There are two other minor corrections included in the notice. Regulatory impact is negligible.

Permit-Required Confined Spaces: Technical Amendment to the Preamble: November 4, 1994 59 FR 55208-55209 This rule clarifies OSHA's position on restricted means of ingress and egress from confined spaces. There is no regulatory impact to this rulemaking.

In addition to the adoption of OSHA amendments, the Division is clarifying the fatality reporting requirements by stating that all fatal occupational "incidences", rather than "accidents" shall be reported. This wording is to clarify that the Division expects to be notified of all employee deaths that occur at the work site or in the course of employment.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes. This rule incorporates the standards located in 29 CFR 1910, 1915, and 1926 effective July 1, 1995, and amended as described in item #5. It does not include any later amendments or editions.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The Health and Safety Act requires the Department to adopt updated Occupational Safety and Health Administration Standards as often as necessary to remain current with the federal regulations. Adoption of these standards ensures that public sector workers are provided with the same level of health and safety protection that is afforded to private sector workers within the State.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

Lenore Killam
Safety Inspection and Education Division
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701
(217) 782-9386

Public hearings are scheduled as follows:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

10:00 A.M. Tuesday, January 9, 1995
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL 62701

and

1:00 P.M. Wednesday, January 10, 1995
Illinois Department of Labor
State of Illinois Building
160 N. LaSalle St., Suite C-1300
Chicago, IL 60604

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable.

B) Types of small businesses or municipalities affected: Due to the effect of preemption of Department rules by the federal Occupational Safety and Health Administration, private sector businesses are not affected. All public sector work sites will be affected.

Costs associated with compliance are for the correction of work site health and safety hazards, which will have a direct positive impact within the public sector work force.

Savings will be realized due to fewer workplace injuries and occupational diseases, lower direct and indirect medical costs, lower worker's compensation costs, lower replacement employee costs, and increased employee productivity due to fewer lost work days and a healthier work force.

Variance procedures within the regulations allow public sector employers to petition for variance from standards when compliance cannot be achieved because of factors beyond their control.

C) Reporting, bookkeeping, or other procedures required for compliance: There are no new paperwork requirements imposed by this rulemaking.

D) Types of professional skills necessary for compliance: General administrative skills are sufficient for compliance with the proposed amendments.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

and safety standards adopted by the federal Occupational Safety and Health Administration. Such amendments will be adopted by reference, or substitute provisions which provide equivalent protection will be adopted. Amendments will be adopted through filing with the Secretary of State and publication in the Illinois Register as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

c) The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens (1991, no later amendments or editions). The dates listed in paragraph (i) of 29 CFR Part 1910.1030 are not applicable to Illinois public sector employers. The effective date (paragraph (i)(1) of the adopted standard) for the Illinois public sector shall be the effective date of this amendment, as published in the Illinois Register. The compliance date for paragraph (i)(2) of the adopted standard shall be 30 days after the effective date, the date for paragraph (i)(3) shall be 60 days after the effective date, and the date for paragraph (i)(4) shall be 90 days after the effective date.

d) The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are one, two, three, and four years, respectively, after August 1, 1994.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Developmental Disabilities Service

2) Code Citation: 89 Ill. Adm. Code 144

3) Section Number: _____
Proposed Action: _____
 144.275
 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide for a reimbursement add-on of \$.10 per resident day for emergency dental services for Medicaid eligible residents of ICF/MR facilities. Emergency dental services, as described in the amendments, are required in ICF/MR facilities by federal regulations at 42 CFR 483.460. Companion amendments are being proposed at 89 Ill. Adm. Code 147.205 for Medicaid eligible residents of nursing homes. The rate maintenance provisions for long term care facilities at 89 Ill. Adm. Code 153.100 have been amended to reflect the add-on for emergency dental services. A Notice of Public Information regarding these dental services provisions was published in the Illinois Register on November 27, 1995, at 19 Ill. Reg. 15854. These long term care reimbursement changes are expected to increase aggregate Department expenditures by approximately \$2.4 million annually.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

100/5-401.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: ICF/MR facilities for persons with developmental disabilities

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER 1: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICES

Section

144.1	Incorporation By Reference
144.5	Determination of Program (Active Treatment) Costs
144.25	Active Treatment Service Requirements in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.50	Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.75	Comprehensive Functional Assessments and Reassessments (Repealed)
144.100	Interdisciplinary Team (IDT) (Repealed)
144.105	Individual Program Plan (IPP) (Repealed)
144.125	Specialized Care - Behavior Development Programs
144.150	Specialized Care - Health and Sensory Disabilities
144.175	Functional Needs
144.200	Service Needs - Medical Care (Repealed)
144.205	Service Needs - Medical and Therapy Services (Repealed)
144.225	Individual Rights (Repealed)
144.230	Reconciliation of Resident Funds
144.250	Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275	Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300	Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.325	Capital Rate Calculation
TABLE A	Overview of Staff Intensity Scale of Maladaptive Behaviors
TABLE B	Staff Intensity Scale
TABLE C	IPP Outcomes (Repealed)
TABLE D	Guidelines for Determining Levels of Functioning
TABLE E	Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V and VI 12-13] of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI 12-13].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective

DEPARTMENT OF PUBLIC AID

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March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment repealed at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities

Residential facilities, including distinct parts of facilities, for clients with developmental disabilities (ICF/MR certification with licensure for ICF/DD, ICF/DD-16, SUC, and ICF/MR-SNF/PED license), excluding state operated facilities for individuals with developmental disabilities, will be reimbursed for an active treatment program for each client. Facility program reimbursement levels will be derived by the Department of Mental Health and Developmental Disabilities from the following four determinants which in combination will result in a total facility program per diem amount. These four determinants will be determined according to information provided in the most recent Inspection of Care (IOC) conducted by Department of Public Health survey staff. This IOC information must be validated by the survey staff prior to utilization for payment purposes. The new reimbursement level will be effective on the first day of the quarter following a facility's IOC. Where dollar, wage, or salary amounts are used, these shall be inflated to the fiscal year for which reimbursement will be made.

a) Minimum Staffing

- 1) Direct Services - Facilities must be in compliance with the Health Care Financing Administration's (HCFA) (42 CFR 483.430) minimum average daily staffing standards relative to client population according to each individual's overall level of functioning:

Overall Level of FTE* Staff : Client Ratio

Functioning	1:5
Mild	1:2.5
Moderate	1:2
Severe or Profound	1:2

*FTE = Full Time Equivalent

- A) Determination of levels of functioning of clients with mental retardation and related conditions, in accordance with the definition of the American Association of Mental Retardation (Mental Retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period), will include

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

both:

- i) an assessment of intellectual functioning as measured by a standardized, full scale, individual intelligence test such as the Stanford Binet and WAIS-R. Such an assessment must be administered by a psychologist who is registered in Illinois under the Clinical Psychologist Licensing Act ~~Illinois Psychologist Act~~ (Illinois Department of Professional Regulation); and an assessment of adaptive behaviors using a nationally standardized, Department approved assessment instrument, such as the Scales of Independent Behavior (SIB) or the Inventory For Client and Agency Planning (ICAP). Such an assessment instrument will be utilized by at least one Qualified Mental Retardation Professional (QMRP) to evaluate each client's functional skills and adaptive behaviors.
- B) The final determination of each client's overall level of functioning employs both the assessment of intellectual functioning and the assessment of adaptive behaviors, and will be made according to the criteria set forth in Section 144. Table D and Section 144. Table E.
- C) The amount for Direct Services for these staffing ratios shall be obtained by:
 - i) determining the number of clients within each overall level of functioning; dividing each number by the client component of the staff: client ratio; summing these quotients; multiplying the sum by the aide hourly wage factor, and then by 2080 (52 weeks times 40 hours per week), to obtain a total annual Direct Service cost; and dividing this total by 365 days and then by the number of clients to obtain the amount for Direct Services per client per day. For example, if a facility serves 40 clients in the mild level of functioning, 30 clients in the moderate level of functioning, and 30 clients in the severe/profound level of functioning, the number of FTE Direct Services staff will be $(40 \text{ divided by } 5) + (30 \text{ divided by } 2.5) + (30 \text{ divided by } 2) = 35$. If the aide hourly wage is \$5.00, the total annual cost will be $35 \times \$5 \times 2080 = \$364,000$. The amount for FTE Direct Services per client per day will then be $\$364,000 \text{ divided by } 365 \text{ divided by } 100 = \9.97 .
 - ii) In ICF/DD-16 facilities, the foregoing calculation is modified such that in step two of subsection (a)(1)(C)(i) above, the facility may receive an amount for up to an additional .5 FTE. Direct Service is determined by multiplying .5 FTE by the proportion found by the ratio of the number of Medicaid eligible

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clients in the severe/profound level of functioning divided by the total number of eligible clients.

- 2) Licensed Nurses-Facilities must be in compliance with HCFA (42 CFR 483.460) and Illinois Department of Public Health (IDPH) (77 Ill. Adm. Code 350.1230) staffing standards relative to facility type.

A) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 90 or fewer clients, none of whom require services under levels II and III of Specialized Care-Health and Sensory Disabilities (Section 144.150(c) and (d)), will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 90 clients will be reimbursed for additional FTE nurses according to the following table:

Licensed Capacity, Client Type	FTE Nurse : Client Ratio
Greater than 90 clients with no Specialized Care - Health and Sensory Disabilities needs under Levels II and III	1:18.75

B) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) licensed for a population of 30 or fewer clients, all of whom require services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities will be reimbursed for a minimum of 4.8 FTE nurses. A facility with only such a population which has a licensed capacity greater than 30 clients will be reimbursed for additional FTE nurses according to the following table:

Licensed Capacity, Client Type	FTE Nurse : Client Ratio
Greater than 30 clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and III	1:6.25

AGENCY NOTE: The Omnibus Reconciliation Act of 1987 (P.L. 100-203) requirements prohibit the admission of individuals with a primary diagnosis of mental retardation into non-ICF/MR facilities. Therefore, SNF/PED facilities which

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meet ICF/MR certification requirements must be certified ICF/MR in order to comply with federal law when admitting individuals with mental retardation. Facilities which undergo certification conversion to ICF/MR will retain State licensure for skilled care (SNF/PED).

C) An ICF/MR (ICF/DD, SLC, SNF/PED but excluding ICF/DD-16) which has a licensed capacity of 30 clients or more, some of whom require services under Level(s) II, and/or III of Specialized Care - Health and Sensory Disabilities, and some of whom do not require such services, will be reimbursed for a minimum of 4.8 FTE nurses for non Specialized Care individuals plus additional FTE nurses, up to a maximum of a 1:6.25 ratio, according to the following Table:

Client Type	FTE Nurse : Client Ratio
Clients requiring Specialized Care - Health and Sensory Disabilities under Level(s) II and/or III	1:6.25

Client Type	FTE Nurse : Client Ratio
Clients with no Specialized Care needs under Levels II and III	1:18.75

For example, for a facility with a licensed capacity of 42 clients, 15 of whom require services under Level(s) II and/or III, and 27 of whom do not require such services, the number of FTE nurses will be $(15 \div 6.25 = 2.40) + (27 \div 18.75 = 1.44)$, however, reimbursement will be calculated at the minimum of 4.8 = 7.2. Utilizing the maximum client ratio allowed, the facility will be reimbursed for 6.72 FTE nurses $(42 \div 6.25 = 6.72)$. Licensed nurses are not required in an ICF/DD-16 if none of the clients require a physician's medical care plan of treatment.

1) An ICF/DD-16 which has eight or fewer clients with medical care plans of treatment but who do not require services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, will be reimbursed for .5 FTE nurse. A facility with nine or more such clients will be reimbursed for one FTE nurse.

ii) An ICF/DD-16 with clients requiring medical care plans of treatment and additional medical services under Specialized Care - Health and Sensory Disabilities,

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Level(s) II and/or III, will be reimbursed according to the method in subsection (a)(2)(D)(i) above, plus additional reimbursement for licensed nurses using an FTE nurse: client ratio of 1:6.25 up to a maximum of the 1:6.25 ratio.

- E) The licensed nurse component is computed similarly to the method in subsection (a)(1)(C) above. To determine the amount for Licensed Nurses, the number of FTE nurses required for each facility type and/or for clients receiving services under Specialized Care - Health and Sensory Disabilities, Level(s) II and/or III, shall be obtained according to subsections (a)(2)(A), (B), (C) and (D) above. This number is multiplied by the hourly nurse wage factor and then by 2080 (52 weeks x 40 hours). The product is divided by 365 and then by the number of clients.

- 3) The total reimbursement amount for Minimum Staffing is the sum of the amount for Direct Staff plus the amount for Licensed Nurses.

b) Active Treatment

- 1) Qualified Mental Retardation Professional (QMRP) - a person who has at least one year of experience working directly with persons with mental retardation or other developmental disabilities, and is one of the following:

- A) A doctor of medicine or osteopathy.
- B) A registered nurse.
- C) An individual who holds at least a bachelor's degree in one of the following professional categories: Occupational Therapist; Physical Therapist; Psychologist. Master's Degree; Social Worker; Recreation Specialist; Registered Dietitian; and Human Services, including but not limited to Sociology, Special Education, Rehabilitation Counseling, and Psychology. (42 CFR 483.430)

- D) The amount for QMRPs assumes that a full-time QMRP is required for every 15 clients. The number of QMRPs shall be obtained by dividing the number of clients in the facility by 15. The obtained number of QMRPs is multiplied by the hourly wage factor and then by 2080. The product is divided by 365 and then by the number of clients to arrive at an amount per client per day.

2) Interdisciplinary Team (IDT)

- A) The amount for services rendered by the IDT assumes that each client requires one day of IDT services per year. This amount is computed to be \$1.82 per client per day.

- B) Interdisciplinary Team - A team which represents the professions, disciplines, or service areas that are relevant to identifying the client's needs and designing programs that meet the client's needs. Appropriate facility staff must participate in interdisciplinary team meetings. Participation by other agencies serving the client is

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required (89 Ill. Adm. Code 140.647). Participation by the client, his or her parent (if the client is a minor), or the client's legal guardian is required unless the participation is unobtainable or inappropriate. (42 CFR 483.440)

3) Additional Direct Service Staff (ADSS)

- A) The amount for ADSS assumes an FTE staff/client ratio of 1:7.5. The total number of clients is divided by 7.5 and a per diem amount is obtained according to the method described in subsection (a)(1)(B) of this Section. In SIC facilities, the foregoing calculation is modified so that the overall level of functioning is distributed proportionately across each living unit (16-18 clients) in step one of the calculation. If dividing the number of clients results in a fraction, it is rounded up to the next whole number in proportion to the number of clients in the severe/profound level of functioning. The total FTE is obtained by summing the calculation results from each living unit.

- B) Additional Direct Services Staff - Staff which is in addition to HCFA's minimum average daily staffing standards (subsection (a)(1) of this Section), and for which the Department will provide reimbursement to ensure the delivery of active treatment. Examples of ADSS include, but are not limited to, staff who provide activity services, dietetic aides, and music therapists.

- 4) The total reimbursement amount for Active Treatment is the sum of the amounts for QMRP, IDT and ADSS.

c) Specialized Care

An additional amount shall be paid for clients meeting the requirements for services under Specialized Care. Detailed descriptions of services under Specialized Care are found in Section 144.125 Specialized Care - Behavior Development Programs, and Section 144.150, Specialized Care - Health and Sensory Disabilities. The Service Level for each client meeting the criteria of more than one Level under Specialized Care shall be determined according to his/her disability or functional deficit which represents the most intense need for services under Specialized Care, and results in the greatest reimbursement.

- 1) Specialized Care - Behavior Development Programs
Behavior development programs are related to maladaptive behaviors which occur with high frequency and/or great severity, and are instituted for the reduction of maladaptive behaviors and/or the increase of adaptive behaviors. The behavior development program shall demonstrate the need for and use of a more intensive staffing pattern (direct care staff) than the regular pattern which is reimbursed for under subsection (a)(1) of this Section. The service level for a client who meets the requirements for services under Specialized Care - Behavior

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Development Programs will be identified and validated during the most recent IOC.

A) Level I - .5 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with high frequency but moderate severity, such as verbal abuse one or more times per four hours which is hostile in tone and content.

B) Level II - 1.0 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with high frequency and are aggressive or destructive, such as purposeful attacks of others which may result in minimal injuries, one or more times per day.

C) Level III - 2.0 hours FTE Direct Service per day.

More intense program services are provided for behaviors which occur with very high frequency such as hyperactivity one or more times per minute, or occur with high frequency and are seriously aggressive, assaultive or destructive and which may result in serious injury.

2) Specialized Care - Health and Sensory Disabilities

Specialized services for health and sensory disabilities refer to care which some clients must receive in order to attain physical health and development.

A) Definitions

i) Ambulatory-The client is capable of walking without assistance or the aid of adaptive equipment or devices.

ii) Mobile Nonambulatory-The client is capable of locomotion with mobility assistance such as adaptive equipment or devices.

iii) Nonmobile-The client is not capable of locomotion even with mobility assistance.

B) Level I - .5 hours FTE Direct Service per day. The client is ambulatory, mobile nonambulatory, or has the potential to become mobile nonambulatory, and requires services to compensate for a sensory deficit (auditory or visual), or services enabling him/her to be mobile (physical disabilities).

i) Sensory deficits-visual. The client's vision is 20/200 or less in the better eye with the greatest possible correction [20 ILCS 2420/2].

ii) Sensory deficits-auditory. The client has a hearing impairment of at least 55 decibels in the better ear, unaided.

iii) Physical disabilities means physical impairments which result in functional deficits requiring the client to receive training in the use of a device or devices, to achieve some level of independent mobility.

C) Level II - 1.0 hours FTE Direct Service per day. The client

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is nonmobile or mobile nonambulatory, requires mobility assistance, and requires services to meet high personal care needs. The client may also have significant daily medical needs and/or dual sensory deficits (visual and auditory).

i) Mobility assistance means assistance in transferring from a bed to an alternative position device, and assistance with movement/mobility around the facility.

ii) High personal care means one or more of the following: assistance with bathing, clothing, grooming and hygiene, eating and continence; position changes at two hour intervals, or as specified in the individual program plan; range of motion twice a day, or as specified in the individual program plan.

iii) Daily medical need means daily insulin injections, drug (insulin) monitoring, and/or ostomy care for a jejunostomy, ileostomy or colostomy.

iv) Dual sensory deficits means both an auditory disability and a visual disability.

AGENCY NOTE: A client who meets the criteria for Level II services is eligible for the FTE nurse:client ratio according to subsections (a)(2)(B), (C) and (D) of this Section.

D) Level III - 2.0 hours FTE Direct Service per day. The client is typically nonmobile or mobile nonambulatory, but may be ambulatory, and requires services to meet high medical needs. High medical needs mean one or more of the following:

i) daily intermittent catheterization;

ii) care for wounds including stage III and IV decubitus ulcers, deep wounds, infected wounds, extensive burns, or extensive lesions requiring treatment in the form of medications, dressings, whirlpool, ultraviolet light and/or irrigations;

iii) respiratory care including tracheotomy care, positive pressure breathing treatments, aerosol therapy, postural drainage and percussion, vibration and/or suctioning;

iv) feeding via nasogastric tube, or prolonged oral feeding; and

v) intensive physical habilitation due to a functional deficit as determined by physical or psychological causes.

AGENCY NOTE: A client who meets the criteria for Level III services is eligible for the FTE nurse:client ratio according to subsections (a)(2)(B), (C) and (D) of this Section.

3) The total reimbursement amount for Specialized Care shall be the sum of the amounts determined under subsections (c)(1) and (2) of

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this Section, pro-rated over the number of eligible clients identified in the most recent facility reimbursement survey. For example, if the hourly wage is \$5.00, assume a facility with ten residents, two of whom meet the criteria for Specialized Care - Health and Sensory Disabilities Level II, subsection (c)(2)(C) of this Section, with no daily medical needs or sensory deficits, and eight of whom do not meet Specialized Care criteria. The facility will receive an amount of \$.81 per client per day (two hours X 1.14 (FTE adjustment factor) divided by eight hours/day = .285 staff; then .285 X (2080 hours/year divided by 365 days/year); then divide by ten clients and multiply by \$5.00 to obtain \$0.81).

d) Related Costs

- 1) An amount per client per day will be paid for other program costs, including program - related supplies, consultants and other items necessary for the delivery of active treatment to clients in accordance with their individual program plans.
- 2) For each facility type, this amount will be determined as follows. Add the amounts determined for subsections (a), (b) and (c) of this Section, but excluding the amount for the IDT (subsection (b)(2) of this Section), and then multiply this sum by the facility's Health Service Area (HSA) grouping (89 Ill. Adm. Code 140. Table B). The product plus the amount for the IDT (subsection (b)(2) of this Section), is then multiplied by a constant for the facility type, as follows:

Facility Type	Constant
ICF/DD	.10
SNF/PED or ICF/DD	.15
(An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities).	
ICF/DD-16 & SLC	.20

- 3) An ICF/DD with some clients requiring services under Level(s) II and/or III of Specialized Care - Health and Sensory Disabilities, and some clients not requiring such services will have the total related cost calculated according to the weighted sum of the number of clients requiring Level(s) II and/or III multiplied by .15, plus the number of clients not requiring such services multiplied by .10. For example, for a facility with a licensed capacity of 90 clients, 30 of whom require services under Level(s) II and/or III, and 60 of whom do not require such services, the total related cost will be calculated according to

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subsection (d)(2) above for both groups of clients. (That is, subsections (a), (b) and (c) of this Section are summed, excluding the amount for the IDT, for clients requiring Level(s) II and/or III and for clients not requiring Level(s) II and/or III. Each sum is multiplied by the facility's HSA grouping, and the products are added to the amount for the IDT.) Each outcome is multiplied by the appropriate constant (the SNF/PED-ICF/DD constant of .15 or the ICF/DD constant of .10), and then by the number of clients in each group respectively. The two products are summed and then divided by the total number of clients.

- 4) An amount will also be paid for dental services which are in compliance with HCFA's regulations (42 CFR 483.460(e), (f) and (g)), for each client age 21 or more. Beginning July 1, 1991, this amount will be determined by adding the flat per diem of \$.30 to the amount calculated according to subsection (d)(2) above. This per diem will cover the costs of prophylaxis treatment up to once every six months, and periodontal services as needed for each eligible client. Beginning December 1, 1995, an add-on of \$.10 per resident day will be paid to all ICF/MR facilities (including four and six bed facilities) for emergency dental services, including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity. Appropriately treated by a dentist, that requires immediate attention.

- e) Total Program Per Diem - Total program per diem for each facility will be the sum of the amounts from subsections (a), (b), (c) and (d) of this Section.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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140.40	Amendment	(19 Ill. Reg. 12937) October 20, 1995
140.413	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.460	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.461	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.462	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.463	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.464	Repeal	(19 Ill. Reg. 14530) October 20, 1995
140.475	Amendment	(19 Ill. Reg. 14530) November 17, 1995
140.478	Amendment	(19 Ill. Reg. 15581) November 17, 1995
140.481	Amendment	(19 Ill. Reg. 15581) November 17, 1995
140.485	Amendment	(19 Ill. Reg. 15581) October 20, 1995
140.490	Amendment	(19 Ill. Reg. 14530) December 8, 1995
140.491	Amendment	(19 Ill. Reg. 16134) December 8, 1995
140.492	Amendment	(19 Ill. Reg. 16134) December 8, 1995
140.493	New Section	(19 Ill. Reg. 16134) December 8, 1995
140.642	Amendment	(19 Ill. Reg. 15788) November 27, 1995
140.920	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.922	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.924	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.926	Repeal	(19 Ill. Reg. 14530) October 20, 1995
140.928	Repeal	(19 Ill. Reg. 14530) October 20, 1995
140.930	Amendment	(19 Ill. Reg. 14530) October 20, 1995
140.932	Repeal	(19 Ill. Reg. 14530) October 20, 1995
140. Table M	Amendment	(19 Ill. Reg. 14530) October 20, 1995

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
140.570 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments allow the Department to use the Means Building Construction Cost publication indices to inflate building costs in the long term care capital rate methodology. All indices used by the Department in rate setting have been nationally published and available to everyone. In the past, the Department has used the Dodge Building Cost Indices for U.S. and Canadian Cities. However, the Dodge indices are no longer being published. In order to use indices that are published, verifiable and widely available, the Department must change to a currently published index. The Means publication is the only publication found that has historical indices, by city, similar to what had been published in Dodge.

The proposed amendments are expected to result in an increase in expenditures of approximately \$2.8 million (\$2.3 million for nursing facilities and \$.5 million for ICF/MRs). This increase is expected because average rates using the Means indices are 4.5 percent over the fiscal year 1994 capital rates, while ordinarily only a 3.2 percent increase would be expected.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.2	Amendment	October 20, 1995
140.7	Amendment	(19 Ill. Reg. 14530) August 25, 1995
140.9	Amendment	(19 Ill. Reg. 12210) August 25, 1995
140.16	Amendment	(19 Ill. Reg. 12210) September 15, 1995

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(19 Ill. Reg. 14530)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Long term care facilities

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- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
 140.2 Medical Assistance Programs
 140.3 Covered Services Under Medical Assistance Programs
 140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
 140.5 Covered Medical Services Under General Assistance
 140.6 Medical Services Not Covered
 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
 140.8 Medical Assistance For Qualified Severely Impaired Individuals
 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
 140.12 Participation Requirements for Medical Providers
 140.13 Definitions
 140.14 Denial of Application to Participate in the Medical Assistance Program
 140.15 Recovery of Money
 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
 140.18 Effect of Termination on Individuals Associated with Vendor
 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
 140.20 Submittal of Claims
 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
 140.22 Magnetic Tape Billings
 140.23 Payment of Claims
 140.24 Payment Procedures
 140.25 Overpayment or Underpayment of Claims
 140.26 Payment to Factors Prohibited

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Assignment of Vendor Payments

Record Requirements for Medical Providers

Audits

Emergency Services Audits

Prohibition on Participation, and Special Permission for Participation

Publication of List of Terminated, Suspended or Barred Entities

False Reporting and Other Fraudulent Activities

Prior Approval for Medical Services or Items

Prior Approval in Cases of Emergency

Limitation on Prior Approval

Post Approval for Items or Services When Prior Approval Cannot Be Obtained

Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

Drug Manual (Recodified)

Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section

- 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund
 140.95 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.96 Hospital Services Trust Fund
 140.97 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)
 140.361 Non-Participating Hospitals (Recodified)

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140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
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 140.462 Covered Services in Clinics
 140.463 Clinic Service Payment
 140.464 Healthy Moms/Healthy Kids Managed Care Clinics
 140.465 Speech and Hearing Clinics (Repealed)
 140.466 Rural Health Clinics
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 140.469 Hospice
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 140.481 Payment for Medical Equipment, Supplies and Prosthetic Devices

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140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
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 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Repealed)
 140.901 Functional Areas of Needs (Repealed)
 140.902 Service Needs (Repealed)
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 140.904 Times and Staff Levels (Repealed)
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140.908 Times and Staff Levels (Recodified)
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Medichuk Recommended Screening Procedures (Repealed)

TABLE A Health Service Areas
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 TABLE C Schedule of Dental Procedures
 TABLE D Time Limits for Processing of Prior Approval Requests
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TABLE K Services Qualifying for 10% Add-On (Repealed)

TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)

TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 13343, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Reg. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill.

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Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19747, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Reg. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Reg. Code 147.205 and 147.205 and 147.205 Table A and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Reg. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29,

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1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19336, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.98 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 13, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January

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1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency

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amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5683, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.570 Capital Rate Component Determination

- a) Capital rates for all long term care facilities--except State Institutions, Specialized Living Centers and campus facilities, shall be reimbursed in the manner described in Sections 140.570 through 140.573. Capital rates for Specialized Living Centers are set forth in 140.579. Campus facilities are reimbursed in accordance with 140.583.
- b) The terms used in Sections 140.570 through 140.574 are defined as follows.
 - 1) "Arm's-length transaction" means a transaction between a buyer and a seller both free to act, each seeking his own best economic interest. A transaction between related parties as defined in Section 140.537 is not considered to be an arm's-length transaction.
 - 2) "Base Year" refers to the weighted average year of investment in the actual construction of the building. The Base Year is determined using the components of the building cost, which are included in the Original Building Base Cost, and the corresponding years of acquisition or construction. The year of each component of the total investment is multiplied by the cost of each year's investment. The sum of these products is then divided by the total Original Building Base Cost to yield an average year of construction. Any fractional portion of the Base Year derived from this calculation will be truncated. The Base

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- Year will not change due to sale or lease of the building subsequent to January 1, 1978.
- 3) "Capital Days" are used to convert all capital items to per diem amounts unless otherwise specified. If a facility's occupancy rate is above 93 percent ~~or~~, then capital days shall be equal to the actual patient days. If occupancy is below 93 percent ~~or~~, then 93 percent ~~of~~ of available bed days (the number of licensed beds multiplied by the number of calendar days in a period) shall be the capital days.
- 4) Building Basis:
 - A) "Original Building Base Cost" means either the cost of construction or the cost of the latest purchase of the building in an arm's-length transaction prior to January 1, 1978. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978. In the case of a nursing home building constructed after January 1, 1978, the allowable construction cost plus the cost of subsequent improvements will be the original building base cost.
 - B) If a portion of the building is vacant or is used for functions other than a nursing home, then a portion of the building's original building base cost will not be used in the rate calculation. This cost allocation will be based upon the proportion of the total square feet in the building being used for nursing home functions.
- 5) ~~"Bodge--Construction--Index"--means--the--index--of--changes--in construction--costs--from--year-to-year--developed--from--the--annual publication--Bodge--Construction--Systems--Costs--as--published--by McGraw--Hill--Cost--Information--Systems.~~

5)67 "Rate of Return" will be 11.0 percent ~~or~~ for base years which are 1979 and later and 9.13 percent ~~or~~ for base years which are 1978 and earlier.
- 6) ~~"Means Construction Index" means the index of changes in construction costs from year-to-year developed from the annual Publication Means Building Construction Cost data as published by R.S. Means Company, Inc.~~

6) "Means New Construction Cost Per Square Foot" is defined as the costs published by the R.S. Means Company, Inc. Data will come from the most recent edition of the Means Square Foot Costs publication. The cost used per square foot for new construction is based upon nursing home construction projections using 40,000 square foot category with face brick with concrete block back-up and steel joists. The Means New Construction Cost Per Square Foot will be adjusted where necessary to ensure an increase of at least a three percent from the previous year but no more than a seven percent increase.
- 7) ~~"Means New Construction Cost Per Square Foot" is defined as the costs published by the R.S. Means Company, Inc. Data will come from the most recent edition of the Means Square Foot Costs publication. The cost used per square foot for new construction is based upon nursing home construction projections using 40,000 square foot category with face brick with concrete block back-up and steel joists. The Means New Construction Cost Per Square Foot will be adjusted where necessary to ensure an increase of at least a three percent from the previous year but no more than a seven percent increase.~~

DEPARTMENT OF PUBLIC AID

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- 8) "Square Feet Per Bed" is defined as 316 square feet per bed. This was the average for existing long term care facilities in Illinois.
- 9) "Location". The long term care facilities will be separated into one of the following areas:
Northeast area - HSAs 6, 7, 8, 9
Downtown area - HSAs 1, 2, 3, 4, 5, 10, 11
- 10) "Uniform Building Value" is calculated using the following steps:
A) The Means New Construction Cost Per Square Foot is multiplied by 316 square feet per bed to obtain a preliminary cost per bed. For example, \$68.65 cost per square foot times 316 equals a \$21,693 preliminary cost per bed.
B) The preliminary cost per bed is multiplied by an adjustment factor to obtain the revised cost per bed for new construction. The adjustment factor is 1.30 for the northeast area and 1.19 for the downtown area. For example, a \$21,693 preliminary cost per bed times the 1.30 factor equals a \$28,200 revised cost per bed for the northeast area.
C) The revised cost per bed for new construction will be the uniform building value for any facility for which the base year is the same as the current year. The current year is the calendar year in which the rate year starts. The uniform building value for facilities with a base year which is older than the current year will have the revised cost per bed for new construction discounted by a three percent ~~34~~ obsolescence factor for each year between the base year and the current year. The uniform building value will be no lower than ten percent of the revised cost per bed for new construction. For example:

Base Year	Factor	Uniform Building Value
1991	100%	\$28,200
1990	97%	\$27,354
1989	94%	\$26,508
1988	91%	\$25,662
1987	88%	\$24,816
1986	85%	\$23,970
--		
1975	52%	\$14,664
--		
1960	10%	\$ 2,820

- 11) "Building Specific Historical Cost Per Bed" is the inflated original building base cost divided by the number of licensed beds on the cost report used to calculate rates for the rate

DEPARTMENT OF PUBLIC AID

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- year. If licensed beds changed during the cost report period, the licensed beds on the last day of the cost report period will be used as the divisor. The original building base cost is inflated based upon the Means Dodge Construction Index and the base year.
- 12) The "ERVWC" factor relates to equipment, rent, vehicle and working capital cost. The ERVWC factor will be the greater of \$1.75 per diem or the amount from the following calculation based upon a sample of 50 percent ~~4~~ or more of all long term care facilities:
A) Working Capital: Allowable support costs, nursing or program costs and administrative costs will be updated for inflation and be divided by capital days and multiplied by 60 days to yield two months of working capital investment on a per diem basis.
B) The per diem investment in equipment and vehicle will be added to the working capital investment on a per diem basis (the vehicle investment is limited to fifty cents per diem). This total investment is multiplied by 9.13 percent ~~4~~.
C) The result of Step B is added to the per diem equipment rent cost to obtain an ERVWC base factor.
- c) Any items of fixed equipment which are no longer in use or are not providing significant value for inpatient long term care purposes must not be reported on the cost report fixed asset schedules for land, buildings, equipment and vehicle. For example, portions of a building not being used for nursing home operations must not be reported. Any assets which were removed from the cost report depreciation schedules prior to the 1986 cost report due to the asset being fully depreciated may not now be included in the building or equipment basis. Also, if a vehicle is used partially for personal purposes or purposes other than operation of the nursing home then this portion of the cost must not be included in the vehicle cost section of the cost report.
- d) NO asset may be included in the building or equipment basis unless complete documentation for the cost and year of purchase or construction is maintained. This data must be maintained to facilitate efficient audit reviews by representatives of the Department.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Reimbursement for Nursing Costs for Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Number: Proposed Action:
147.205 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide for a reimbursement add-on of \$.10 per resident day for emergency dental services for Medicaid eligible residents of nursing facilities. Emergency dental services, as described in the amendments, are required in nursing facilities by federal regulations at 42 CFR 483.55. Companion amendments are being proposed at 89 Ill. Adm Code 144.275 for Medicaid eligible residents of ICF/MR facilities.

The rate maintenance provisions for long term care facilities at 89 Ill. Adm. Code 153.100 have been amended to reflect the add-on for emergency dental services. A Notice of Public Information regarding these dental services provisions was published in the Illinois Register on November 27, 1995, at 19 Ill. Reg. 15854.

These long term care reimbursement changes are expected to increase aggregate Department expenditures by approximately \$2.4 million annually.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Nursing facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Proposed Action:
679.50 Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: The Service Cost Maximums (SCMs) for the Home Services Program are being increased 4% as a result of a 4% Personal Assistant rate increase. The increase is necessary to ensure customers at or near the SCM can continue to receive the same level of service.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this rulemaking

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

steps:

a) Calculation of the nursing rate: For each facility, the nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as specified in Section 147. Tables A and B for all assessment items.

b) Calculation of the final nursing rate: For each facility, a final nursing rate will be equal to the sum of the nursing rate (see subsection (a) above) plus an add-on for Care Planning equal to \$.35 thirty-five cents per resident day, statewide. Effective July 1, 1992 and ending August 31, 1993, there will be an additional wage adjuster add-on of \$1.58 per resident day for HSAs that have wages equal to or above the Statewide average and \$2.00 per resident day for HSAs that have wages below the Statewide average. Effective September 1, 1993, the wage adjuster add-on will be eliminated.

c) An amount will be paid for emergency dental services that are in compliance with federal regulations (42 CFR 483.55). Beginning December 1, 1995, there will be an add-on of \$.10 per resident day for emergency dental services, including services needed to treat an episode of acute pain in the teeth, gums, or palate; broken or otherwise damaged teeth; or any other problem of the oral cavity, appropriately treated by a dentist, that requires immediate attention.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)
PART 679

- Section
- 679.10 General Provisions
 - 679.20 Composition of the DON
 - 679.30 Scoring of the DON Except for Respite Cases
 - 679.40 Scoring the DON for Respite Cases
 - 679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care component of institutionalization if the individual chose institutionalization.
- b) As of July 1, 1991 the SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 670644
33 through 40	836804
41 through 49	929893
50 through 59	1,113,707 ⁰⁰
60 through 69	1,308,725 ⁰⁰
70 through 79	1,414,796 ⁰⁰
80 through 100	1,520,746 ⁰²

- c) As of October 1, 1990 the SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
-----------------	-----

DEPARTMENT OF REHABILITATION SERVICES
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- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Reporting, bookkeeping or other procedures required for compliance: n/a
- C) Types of professional skills necessary for compliance: n/a

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The rulemaking is a result of legislation which increased the hourly rate paid to Personal Assistants who provide services to customers of the Home Services Program. At the time the January and July Regulatory Agendas were developed, the status of the legislation was uncertain; therefore, this rulemaking could not be listed.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

29 through 32 \$ 936900
 33 through 40 1,404,7950
 41 through 49 1,872,7880
 50 through 59 2,340,7250
 60 through 69 2,808,7700
 70 through 79 3,276,7150
 80 through 100 3,744,7600

d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Individualized Written Rehabilitation Program

2) Code Citation: 89 Ill. Adm. Code 572

3) Section Numbers: Proposed Action:
572.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

5) A Complete Description of the Subjects and Issues Involved:

The amendments clarify that at anytime a non-English version of a form is used to meet the needs of a customer, an English translation must accompany it in the case file.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217)785-3896
 (TTY): (217)785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 572
INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM (IWRP)

Section	
572.10	General Applicability
572.20	Commencement of the IWRP
572.30	Purpose of the IWRP
572.40	Coordination of the IWRP with an Individualized Educational Program (IEP)
572.50	IWRP Development and Content
572.60	Format of the IWRP
572.70	Services to Families
572.80	IWRP Amendments
572.90	Notice of Changes to the IWRP
572.100	Case File Documentation
572.110	Review of IWRP
572.200	Reporting of Customer Participation

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 572.60 Format of the IWRP

- a) A copy of the original IWRP and any amendments must be provided to the customer and must, to the maximum extent possible, be provided in the customer's native language or mode of communication, or, as appropriate, in the native language or mode of communication of the parent, family member, guardian, advocate or authorized representative.
- b) At any time a non-English print version of any form or document, including the IWRP, is used to meet the customer's needs and is placed in the case file, an English print copy must also be completed by the rehabilitation counselor/instructor and placed with the non-English print version in the case file.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS
corporations affected: n/a

B) Reporting, bookkeeping or other procedures required for compliance: n/a

C) Types of professional skills necessary for compliance: Types of professional skills necessary form compliance: n/a

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is the result of a problem experienced by the Department when completing case reviews. It is necessary to address the problem immediately to ensure effective, quality casework and accurate case reviews. The rulemaking was not anticipated and was therefore not listed in the January or July Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

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_____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Program Description

2) Code Citation: 89 Ill. Adm. Code 676

3) Section Numbers: Proposed Action:
676.20 Amendments

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: The amendments clarify that at anytime a non-English version of a form is used to meet the needs of a customer, an English translation must accompany it in the case file.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: Not applicable.

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- B) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is the result of a problem experienced by the Department when completing case reviews. It is necessary to address the problem immediately to ensure effective, quality casework and accurate case reviews. The rulemaking was not anticipated and was therefore not listed in the January or July Regulatory Agenda.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676
PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
676.10
676.20
676.30
676.40

Program Purpose and Types
General Program Accessibility
Definitions
Service Description

SUBPART B: CASE MANAGEMENT

Section
676.100
676.110
676.120
676.130
676.140

676.150

Case Files
Sharing of Customer Information Between HSP and Other DORS Programs
Documentation of Information
Required Customer Signatures and Information
Application by DORS' Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS' Employees, or Close Friends of DORS' Employees
Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section
676.200
676.210

Vendor Payment
Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section
676.300
676.310

Criteria for Referral to DoA
Disposition of Cases not Appropriate for Referral to DoA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROGRAM PROVISIONS

Section 676.20 General Program Accessibility

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- a) All communications given or sent to a customer shall be in a language, medium, and at a level which the customer can understand.
- b) At any time a non-English print version of any form or document, including the IWRP, is used to meet the customer's needs and is placed in the case file, an English print copy must also be completed by the rehabilitation counselor/instructor and placed with the non-English print version in the case file.
- c) All locations in which customer meetings are held must be accessible for the customer and afford the maximum confidentiality for the customer.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Number: Proposed Action:
 3040.120 Amendment
 3040.160 Amendment
 3040.310 Amendment
- 4) Statutory Authority: Implementing and authorized by the State Library Act [15 ILCS 320].
- 5) A Complete Description of the Subjects and Issues Involved: The rules are revised to reflect the availability of an updated government audit publication as well as the need for fewer copies of literacy provider program application. The definition of "children at risk programs" has been amended.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The amendment updates information contained in the literacy rules.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments and questions should be mailed, faxed, or sent electronically to:

Ms. Kathleen L. Bloomberg
 Associate Director for Administration
 Illinois State Library
 300 S. Second Street
 Springfield, IL 62701-1796
 (217) 785-0052
 (217) 782-6062 FAX
 kbloom@library.sos.state.il.us INTERNET

All written comments received within 45 days of the date of this publication will be considered.

- 12) Initial Regulatory Flexibility Analysis:

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3040
LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section	Purpose
3040.100	Definitions
3040.110	Application for Grant
3040.120	Review of Grant Applications
3040.130	Award of Grants and Recordkeeping
3040.140	Cancellation of Grant
3040.150	Audit Procedures
3040.160	Other Requirements
3040.170	Invalidity
3040.180	

SUBPART B: WORKPLACE LITERACY PROGRAM

Section	Purpose
3040.200	Definitions
3040.210	Application for Grant
3040.220	Review of Grant Applications
3040.230	Award of Grant, Financial Reports, and Program Progress Reports
3040.240	Cancellation of Grant
3040.250	Other Requirements
3040.260	Invalidity
3040.270	

SUBPART C: FAMILY LITERACY PROGRAM

Section	Purpose
2040.300	Definitions
2040.310	Eligible Applicants
2040.320	Grant Applications
2040.330	

AUTHORITY: Implementing and authorized by the State Library Act [15 ILCS 320].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. 13084, effective August 15, 1992; amended at 17 Ill. Reg. 7234, effective May 10,

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Not applicable.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

1993; amended at 18 Ill. Reg. 4990, effective March 9, 1994; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: LITERACY PROVIDER PROGRAM

Section 3040.120 Application for Grant

- a) Requests for a grant shall be submitted to the LAB in writing postmarked no later than October 15, 1985, for Fiscal Year 1986, and April 15th for every fiscal year thereafter. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the LAB.
- b) Applications shall be submitted to the Literacy Office, Illinois State Library, 431 South Fourth Street, Springfield, Illinois 62701.
- c) Applications shall be reviewed by the LAB. Awards shall be made on or after December 1, 1985, for Fiscal Year 1986 and on or after July 1st of every year thereafter for the fiscal year then commencing.
- d) Grants shall not exceed \$50,000 to any one grant applicant in Fiscal Year 1986. The maximum grant amount shall be determined by the Secretary basing his or her decision upon the amount of money appropriated by the General Assembly and the likely number of grant applications.
- e) Applications must be submitted in one (1) original and fifteen (15) nineteen-tth copies.
- f) The first grant period shall be for a period of six (6) months, January 1, 1986, until June 30, 1986. Thereafter ~~therefore~~, the grant period shall be the fiscal year.
- g) Applications shall include the following information:
 - 1) The name of the literacy program for the community.
 - 2) The name and address of the grant applicant.
 - 3) The name and telephone number of grant project applicant's director or executive officer.
 - 4) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the grant applicant's fiscal officer, who will receive any approved grant and be responsible for the grant funds.
 - 5) The term of the literacy program.
 - 6) The total amount of grant money requested for the literacy program.
 - 7) A brief and explicit description of the literacy program purpose and goals.
 - 8) A statement supported by statistics (e.g., dropout rates, census figures on the education level of the local population, or the number of persons receiving public assistance) and other evidence, (statements from local officials, State Legislature requests, or community college reports) detailing the need for the literacy program in the particular community or geographic

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 9) A statement of the methods to be used by the grant applicant to meet its stated goals and objectives.
- 10) A statement of the grant applicant's plans to coordinate its effort with other community groups, and to cooperate with other community groups, including education groups, volunteer organizations, governmental bodies, private business, and library organizations and a listing of participating agencies.
- 11) A statement detailing plans to evaluate projects objectives and program accomplishments by the grant applicant, including statistical data and how it is gathered and by whom and when.
- 12) A statement as to the continuation of the literacy program without further grants.
- 13) A list of all organizations which are participating agencies in the literacy program project proposed by the grant applicant including signatures of organization representatives.
- 14) The budget for the literacy project, setting forth the personnel costs, fringe benefits, (e.g., retirement benefits and health insurance) travel costs, equipment purchases, supplies, contractual services, and instructional materials, and any other expense necessary to operate the literacy program proposed in the grant application.
- 15) A statement as to the time schedule for the completion of project objectives of the literacy program within the grant year.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 3040.160 Audit Procedures

- a) On or before September 1 of each year, the literacy grant recipient must conduct an audit of the program and its expenditure of the grant funds. Grant funds shall be accounted for using the modified accrual accounting method. The State Library will and funds to budgets of grant recipients to pay for audit costs. The literacy grant recipient shall select an independent certified public accountant to perform the audit in accordance with the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities and Functions (Yellow Book), 1991 revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62701. The results of this audit must be submitted to the State Library, Office of the Secretary of State. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing grants. The State Library shall withhold 10% of the grant

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- funds until receipt and approval of the audit.
- b) A grantee who does not comply with audit requirements will be ineligible to receive funds in any following fiscal year.
- c) The provisions of this Section will not be applicable to entities that fall under the authority of the Auditor General of Illinois.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: FAMILY LITERACY PROGRAM

Section 3040.310 Definitions

"Children at Risk Programs": Programs in which children, identified as being educationally disadvantaged because of social, economic or other factors, receive remedial instruction.

"Family Literacy": Reading, writing, and computing instruction for parents and children together, including academic and parenting instruction for adults, developmentally appropriate activities for children, and time to learn together.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Waiver of Filing and Approval of Certain Sales, Leases and Mortgages (General Order 175)
- 2) Code Citation: 83 Ill. Adm. Code 105
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-----------|
| 105.10 | Amendment |
| 105.20 | Amendment |
| 105.30 | Amendment |
| 105.40 | Amendment |
| 105.50 | Repealed |
- 4) Statutory Authority: Implementing Section 7-102 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/7-102 and 10-101).
- 5) Effective Date of Rulemaking: January 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 6, 1995
- 9) Notice of Proposal Published in Illinois Register: December 16, 1994, at 18 Ill Reg 17801
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- Section 105.30: Original proposed deletions revised to merely update the statutory references.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments update the rules to take advantage of PA 88-604, which became effective on September 1, 1994, amending Section 7-102 of the Public Utilities Act ("Act") by increasing the dollar limits on sales of property and leases, easements, and licenses for which the Commission is authorized to waive the filing and necessity for approval. The amendments include the higher dollar amounts and update in general the citations and references in this Part and repeals portions

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that are either obsolete or of no practical regulatory value.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Conrad Rubinkowski
Address: Illinois Commerce Commission
527 East Capitol Avenue
PO Box 19280
Springfield, Illinois 62794-9280
Telephone: 217/785-8439

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: ADMINISTRATIVE REGULATIONS

PART 105

WAIVER OF FILING AND APPROVAL OF CERTAIN
SALES, LEASES AND MORTGAGES
(GENERAL-ORDER-175)

Section

- 105.10 Routine Bank Transactions
- 105.20 Donations, Contributions and Memberships
- 105.30 Investments
- 105.40 Sales and Leases and Other Transactions which need not be filed or approved
- 105.50 Application to All Utilities (Repealed)

AUTHORITY: Implementing Section 7-102 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/7-102 and 10-101).

SOURCE: Filed and effective December 20, 1955; codified at 8 Ill. Reg. 8894; amended at 19 Ill. Reg. 16821, effective JAN 01 1996.

Section 105.10 Routine Bank Transactions

The opening of bank accounts, deposit of monies in such accounts, the withdrawal of monies from such accounts by checks, drafts, bills of exchange or otherwise, the making of time deposits with banks, the purchase from banks, at not to exceed prevailing market prices, of obligations of the United States maturing not more than five years thereafter, the sale to banks of such obligations of the United States at not less than prevailing market prices, and the making use of routine custodial and handling services of banks with respect to securities at not to exceed standard charges, all in the ordinary course of business, are not considered to be contracts or arrangements within the purview of the provisions of sub-paragraphs (g) and (h) of Section 27 7-102(g) and (h) of "An Act concerning public utilities," the Public Utilities Act ("Act") (11 Rev. Stat., ch. 11, par. 27) and (h) (220 ILCS 5/7-102(g) and (h)).

(Source: Amended JAN 01 1996 19 Ill. Reg. 16821, effective)

Section 105.20 Donations, Contributions and Memberships

Donations and contributions to charitable organizations, relief funds (including funds for the relief of employees), community chests, civic enterprises and other organizations and institutions of similar character not organized or conducted for pecuniary profit, and the payment of membership fees

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and dues on behalf of either a utility or its employees to trade associations, chambers of commerce, service clubs and other organizations conducted for civic or business improvement, are not considered to be within the purview of sub-paragraphs (g) and (h) of Section 27-102(g) and (h) of said Act the Act.

(Source: Amended at 19 Ill. Reg. 16821, effective JAN 01 1996)

Section 105.30 Investments

The investment by a utility of its funds in obligations of the United States or of any body corporate or association organized or created by Act of the Congress of the United States as may from time to time be approved by this Commission for such investment or in obligations of the State of Illinois or of any county, city, school district or other political subdivision thereof, or in its own stock or securities is not considered to be within the purview of subparagraphs (g) and (h) of Section 27-102(g) and (h) of said Act the Act. and, in addition, any utility may, without the approval of the Commission, invest its funds in any other obligations or investments, except real estate mortgages, in which trust funds may lawfully be invested under the provisions of the Trust and Trustees Act [760 ILCS 5]. Ill. Rev. Stat. 1981, ch. 17, par. 1651 et seq.

(Source: Amended at 19 Ill. Reg. 16821, effective JAN 01 1996)

Section 105.40 Sales and Leases and Other Transactions which need not be filed or approved.

a) Pursuant to Section 27-102 of "An Act concerning public utilities," as amended, the Act, and subject to the other provisions of this Part, the Commission hereby waives, as to all public utilities, the filing and necessity for approval of:

1) sales of property involving a consideration of not more than \$300,000 for utilities with gross revenues in excess of \$50,000,000 annually and a consideration of not more than one hundred thousand dollars for all other utilities;

2) leases, easements and licenses involving a consideration or rental of not more than \$30,000 for utilities with gross revenues in excess of \$50,000,000 annually and a consideration or rental of not more than ten thousand dollars for \$10,000 per year for all other utilities;

3) leases of office building space not required by the public utility in rendering service to the public;

4) the temporary leasing, lending, or interchanging of equipment in the ordinary course of business or in case of an emergency; and

5) purchase-money mortgages given by the public utility in connection with the purchase of tangible personal property where

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the total obligation to be secured shall be payable within a period not exceeding one year; provided, however,

b) that the foregoing waiver shall not apply to any sale, lease, easement, license or other transaction involving more than ten percent of the assets of the public utility participating therein.

c) that the foregoing waiver shall not apply to any such sale, lease, easement, license or other transaction by a public utility with its employees or their agents where the consideration therefor is more than \$500 and not determined in the manner provided by Section 7-102 of the Uniform Commercial Code, as amended, or by public utility governing competitive bidding, of General Order 174 of the Commission, as amended, as 83 Ill. Adm. Code 310.70 or by public action held in accordance with the law in such case made and provided. Section 2-328 of the Uniform Commercial Code [810 ILCS 5/2-328] and Section 1 of the Auction Sales Sign Act [720 ILCS 225/1].

(Source: Amended at 19 Ill. Reg. 16821, effective JAN 01 1996)

Section 105.50 Application to all utilities All Utilities (Repealed)

The provisions of this Part shall apply alike to all public utilities under the jurisdiction of the Illinois Commerce Commission subject however to the power of the Commission to either upon complaint or its own motion to rescind this Part or any provision thereof to any one or more public utilities which may be found after a hearing to be guilty of abusing either presently or in the past this Part or guilty of evading compliance with the standards herein set forth. For the purposes of this Part the terms "abusing" and "evading compliance" are used in their broadest sense and include the granting directly or indirectly of a preference or advantage which results in unjust discrimination and the sale or lease of utility property or the granting of an easement in such property for a consideration that does not reflect the value of the property at the time the sale, lease or easement is made.

(Source: Repealed at 19 Ill. Reg. 16821, effective JAN 01 1996)

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1) Heading of the Part: Certification
2) Code Citation: 23 Ill. Adm. Code 25

3) Section Number:
25.75 New Section
25.99 Amendment
25.110 Amendment
25.120 Amendment
25.150 Amendment
25.210 Amendment
25.442 New Section
25.728 New Section

4) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
5) Effective Date of Rules: December 11, 1995

6) Does this rulemaking contain an automatic repeal date? No
7) Does this rule contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: September 25, 1995
9) Notice of Proposal Published in Illinois Register: May 25, 1995; 19 Ill. Reg 7098

10) Has JCARE issued a Statement of Objections to these rules? No
11) Difference(s) between proposal and final version:

The ILCS reference in the authority note has been corrected.
The reference to the School Code in the first sentence of Section 25.110(a)(1) has been changed from "The" to "the."
In Section 25.110(c)(7)(A), the explication of the Act has been changed to state the short title of the Act, the statutory citation has been updated, and the period at the end of the paragraph has been changed to a semi-colon.
The form of the statutory citation has been updated in Sections 25.110(c)(8)(H) and 25.120(a)(2)(A).
Section 25.120(a)(3)(A)(iv) has been relabeled as Section 25.120(a)(3)(B), with subsections (A)(v) and (A)(vi) changed to Sections 25.120(a)(3)(B)(i)

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and 25.120(a)(3)(B)(ii); Section 25.120(a)(3)(B) has become Section 25.120(a)(3)(C); and Section 25.120(a)(3)(C) has become Section 25.120(a)(3)(D).

The word "laws" in Section 25.210(c)(6)(B) has been capitalized.

The text of Section 25.210(c) has been substantially relabeled, as follows:

Section 25.210(c)(7) has been changed to Section 25.210(d). Section 25.210(c)(8) has been changed to Section 25.210(e), with subsections (8)(A) and (8)(B) becoming subsections (e)(1) and (e)(2). Subsections 25.210(c)(8)(B)(i) - (vii) have become subsections 25.210(e)(2)(A) - (G).

In Section 25.728(b), commas have been added to the phrase, "including, but not limited to," for consistency.

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

These amendments incorporate recently enacted statutory changes involving the issuance of part-time provisional certificates to certain professionals and craftsmen; an increase in the application fee for endorsing teaching certificates from \$20 to \$30; and establishment of Illinois Teacher Corps programs. Other amendments provide for use of the Illinois Certification Testing Systems test of basic skills to meet the requirement for entrance into teacher education programs; shorten the review cycle for approval of teacher education programs from ten to five years; and delete a reference to dismissal from the institution in the section on requirements for institutional recognition.

16) Information and questions regarding this adopted amendment shall be directed to:

Anna Austin
Professional Development, Standards and Assessment
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
(312) 814-3992

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The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

Section
25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section
25.20 State Elementary School Certificate
25.30 State High School Certificate
25.40 State Special Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired
25.50 General Certificate
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Early Childhood Certificates
25.90 Transitional Bilingual Certificate and Examination
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate
25.99 Endorsing Teaching Certificates

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval
25.120 Standards and Criteria for Institutional Recognition and Program Approval
25.130 Procedures for Initial Recognition as a Teacher Education Institution
25.140 Procedures for Approval of New or Modified Teacher Education Programs and Consortia
25.150 The Periodic Review Process

SUBPART D: SCHOOL SERVICE PERSONNEL

Section

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25.210 Requirements for the Certification of School Social Workers
 25.220 Requirements for the Certification of Guidance Personnel
 25.230 Requirements for the Certification of School Psychologists
 25.240 Standard for School Nurse Endorsement

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF
 ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section

25.310 Definitions (Repealed)
 25.311 Administrative Certificate
 25.315 Renewal of Administrative Certificate
 25.320 Application for Approval of Program (Repealed)
 25.322 General Supervisory Endorsement
 25.330 Standards and Guide for Approved Programs (Repealed)
 25.333 General Administrative Endorsement
 25.344 Chief School Business Official Endorsement
 25.355 Superintendent

SUBPART F: GENERAL PROVISIONS

Section

25.405 Military Service
 25.410 Revoked Certificates
 25.415 Credit in Junior College
 25.420 Psychology Accepted as Professional Education
 25.425 Individuals Prepared in Out-of-State Institutions
 25.427 Three-Year Limitation
 25.430 Institutional Approval
 25.435 School Service Personnel Certificate--Waiver of Evaluations
 25.440 Master of Arts NCATE
 25.442 Illinois Teacher Corps Programs
 25.445 College Credit for High School Mathematics and Language Courses
 25.450 Lapsed Certificates
 25.455 Substitute Certificates
 25.460 Provisional Special and Provisional High School Certificates
 25.465 Credit
 25.470 Meaning of Experience on Administrative Certificates
 25.475 Certificates and Permits No Longer Issued
 25.480 Credit for Certification Purposes
 25.485 Provisional Recognition of Institutions
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
 25.493 Part-time Teaching Interns
 25.495 Approval of Out-of-State Institutions and Programs
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND
 OTHER NONCERTIFIED PERSONNEL

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Section
 25.510 Teacher Aides
 25.520 Other Noncertificated Personnel
 25.530 Specialized Instruction by Noncertificated Personnel
 25.540 Approved Teacher Aide Programs

SUBPART H: CLINICAL EXPERIENCES

Section

25.610 Definitions
 25.620 Student Teaching
 25.630 Pay for Student Teaching

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section

25.705 Purpose - Severability
 25.710 Definitions
 25.715 Test Validation
 25.717 Test Equivalence
 25.720 Applicability of Testing Requirement
 25.725 Applicability of Scores
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education
 25.730 Registration
 25.732 Late Registration
 25.735 Frequency and Location of Examination
 25.740 Accommodation of Persons with Special Needs
 25.745 Special Test Dates
 25.750 Conditions of Testing
 25.755 Voiding of Scores
 25.760 Passing Score
 25.765 Individual Test Score Reports
 25.770 Rescoring
 25.775 Institution Test Score Reports
 25.780 Fees

APPENDIX A Statistical Test Equating - Certification Testing System

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 1441; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12578, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 28, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243,

c) Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.

d) Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.

e) Individuals seeking to endorse a previously issued certificate(s) or obtain additional endorsements may apply for such endorsement(s), on forms provided by the State Board of Education, in accordance with the provisions of Section Article 21-12 of the School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a \$30 \$20 nonrefundable fee made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsement(s). Applicants may remove their deficiencies and qualify for endorsements on their original fee, provided that they qualify within the same fiscal year, i.e., between July 1 and June 30 of the year of application. Subsequent requests for the same endorsement(s) shall be accompanied with another fee.

(Source: Amended at 19 Ill. Reg. 16826, effective DEC 1 1996)

SUBPART C: APPROVING THE TEACHER EDUCATION PROGRAMS OF THE TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section 25.110 System of Approval: Levels of Approval

a) Authority

1) The system of institutional recognition and program approval described in this Subpart has been developed pursuant to Section 21-21 of the School Code [105 ILCS 5/21-21] ~~1991-Rev-Stat-1991-Ch-127-Par-21-21~~. This statute authorizes the State Board of Education through the State Superintendent of Education, in consultation with the State Teacher Certification Board, to recognize institutions and approve courses of study in those institutions recognized for the preparation of teachers and school service, supervisory, and administrative personnel.

2) This system of recognition and approval is directly related to

effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective DEC 1 1996.

SUBPART B: CERTIFICATES

Section 25.75 Part-time Provisional Certificates

a) Pursuant to Section 21-10 of the School Code [105 ILCS 5/21-10], a part-time provisional certificate valid for teaching no more than two courses of study in grades 6-12 shall be issued to professionals and craftsmen who present evidence of meeting one of the following requirements:

1) 60 semester hours of credit from a recognized institution of higher learning, 9 semester hours of which are to be in the skill to be certified for teaching, or

2) 4,000 hours of work experience in the skill to be certified for teaching.

b) A skill area shall be certified for teaching if:

1) The skill area is identified by a school district as part of its curriculum, and

2) The skill area evidenced by coursework or experience is one taught to students in grades 6-12 (e.g., a craftsman jeweler may be issued a part-time provisional certificate for teaching a course on jewelry design as part of a 6-12 art program).

c) The holder of a part-time provisional certificate may teach no more than two courses of study.

d) Pursuant to Section 21-10 of the School Code, a part-time provisional teacher's certificate shall be valid for 2 years and may be renewed at the end of each 2 year period.

(Source: Added at 19 Ill. Reg. DEC 1 1996, effective 16826)

Section 25.99 Endorsing Teaching Certificates

Elementary and high school teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).

a) Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.

b) Coursework presented for endorsement will be counted in each subject area to which it applies.

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the process of certification of educational personnel which has been adopted by the General Assembly and the State Board of Education as administered by the State Board of Education. The certification of educational personnel depends upon the process of institutional recognition and program approval which the State Board of Education establishes and monitors.

- b) Institutional Recognition and Program Approval
- Institutional recognition and program approval bind together the pre-service preparation of educational personnel and the granting of the appropriate certificates and endorsements. Under this system, the judgments concerning individuals in the process of certification are shared by the institutions and the state. The recommendation of recognized institutions that a candidate be certificated is accepted by the State Board of Education as verification that the candidate has satisfactorily completed all of the requirements of the certification statutes and relevant rules and has successfully completed an approved program leading to the certification and endorsement for which the candidate is recommended.

- c) Institutional Recognition and Program Approval
- It is the responsibility of institutions to demonstrate compliance with applicable statutes and the requirements set forth herein. Evidence that these requirements are not adhered to shall either lead to provisional approval or to denial of approval for the program(s) that are not in compliance and to the institution being placed on provisional recognition for a period not to exceed three years, after which, if noncompliance persists, recognition may be withdrawn. Deviation from requirements set forth herein is allowable only with the prior approval of the State Superintendent of Education in consultation with the State Teacher Certification Board. Institutional requests for deviation from these requirements will be permitted when: a specific need for the proposed program deviation is established; minimum statutory requirements are met; and the program, while deviating from existing rules, provides adequate and defensible preparation.

- 1) Conditions Requiring Recognition and Approval
- A) Institutional Recognition is required:
- When an institution which is not recognized intends to conduct approved teacher education programs; and
 - Every five ~~ten~~ years after initial recognition.
- B) Program Approval is required:
- When an institution proposes to conduct a program not currently approved;
 - When an institution significantly modifies the content, experiences, sequence or procedures of a program; and
 - At the time of the fifth-year ~~ten-year~~ reviews.
- C) Consortium Approval is required:
- When two or more institutions enter into agreements to

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provide educational services in connection with a teacher education program; and

- Every five ~~ten~~ years.

2) Levels of Recognition and Approval

- A) Initial Recognition and Approval
- When an institution not having recognition intends to conduct approved teacher education programs, the State Superintendent of Education in consultation with the State Teacher Certification Board may take one of the following actions:

- Grant recognition which authorizes the institution to recommend candidates for certification by entitlement and conduct approved teacher education programs for five ~~ten~~ years; ~~this approval is conditional upon submission of an acceptable five-year review report;~~
- Grant provisional recognition which authorizes the institution to conduct approved teacher education programs and recommend candidates by entitlement under conditions and limitations stipulated by the State Superintendent of Education, in consultation with the State Teacher Certification Board; or
- Deny recognition and prohibit the institution from conducting teacher education programs.

B) New or Modified Program

When an institution proposes to sponsor a new program or to significantly modify an approved program, the State Superintendent of Education, in consultation with the State Teacher Certification Board, may take one of the following actions:

- Grant approval which authorizes the institution to conduct the proposed or modified program for five ~~ten~~ years; ~~this approval is conditional upon submission of an acceptable five-year review report;~~
- Grant provisional approval which authorizes the institution to conduct the proposed or modified program under stipulated conditions and limitations; or
- Deny approval of the proposed or modified program.

3) Tenth- and Fifth-Year Review

A) Tenth-Year Review

Subsequent to completion of a fifth-year ~~ten-year~~ review, the State Superintendent of Education, in consultation with the State Teacher Certification Board, may take one or more of the following actions:

- Alt) Grant recognition to the institution and its programs authorizing the institution to conduct approved programs for five ~~ten~~ years; ~~Recognition and approval are conditional upon submission of an acceptable five-year review report;~~

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- B)++ Grant provisional recognition to the institution or provisional approval of one or more of the programs conducted by the institution. Provisional recognition of the institution authorizes the institution to continue to conduct approved programs under stipulated conditions and limitations. Provisional approval of a program authorizes the institution to conduct the program under stipulated conditions and limitations; or**
- C)++ Deny recognition of the institution or approval of one or more of the programs conducted by the institution. Denial of recognition of the institution prohibits the institution from conducting approved programs. Evidence that an institution is conducting its teacher education programs in violation of Illinois Statutes governing the education and certification of educational personnel will lead to immediate denial of recognition of the institution. In other instances, denial of recognition will become effective within a period of two years with the date specified by the State Superintendent of Education, in consultation with the State Teacher Certification Board.**
- B) Five-Year-Review-Reports**
- i) If-an-institution-fails-without-adequate-cause-to submit-an-acceptable-fifth-year-report-by-May-1-of-the-fifth-year-subsequent-to-its-having-been-granted recognition-and-approval-the-State-Superintendent-of Education-in-consultation-with-the-State-Teacher-Certification-Board-may-withdraw-the-recognition-of-the-institution-or-approval-of-one-or-more-of-its programs:**
- ii) Five-year-reports-will-be-reviewed-by-the-State Superintendent-of-Education-in-consultation-with-the State-Teacher-Certification-Board-which-will-note acceptance-of-the-report-and-any-deficiencies-which should-be-remedied-prior-to-the-next-ten-year-review.**
- 4) Conditions for Awarding Recognition and Approval Status**
- The State Superintendent of Education, in consultation with the State Teacher Certification Board, may grant or deny recognition or approval under the following stipulated conditions:
- A) Recognition or approval may be granted only when the institution or program complies sufficiently with the criteria presented in Section 25.120 of this Part;**
- B) Provisional recognition or approval may be granted only when an institution or a program does not comply sufficiently with one or more of the criteria presented in Section 25.120 of this Part, but provides evidence of plans and resources to comply sufficiently within a period not to exceed three years. Provisional recognition or approval may not be granted in the absence of notifying the institution of the**

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- stipulated conditions and limitations imposed upon it or upon one of its programs; or
- C) Recognition or approval may be denied only when an institution or a program does not comply sufficiently with the standards and criteria for approval presented in Section 25.120 of this Part. Recognition or approval may not be denied in the absence of notifying the institution of the reason(s) for denial.**
- 5) Voluntary Request for Withdrawal of Recognition or Approval**
- Any institution voluntarily wishing to have recognition of the institution or approval of a program withdrawn shall notify the Secretary of the State Teacher Certification Board in writing of its desire and request appropriate action by the State Superintendent of Education, in consultation with the State Teacher Certification Board.
- 6) Use of Recognition and Approval Status in Institutional Publications**
- An institution shall indicate in its publications, including its catalogs:
- A) The last date on which the institution was recognized and its programs were approved;**
- B) Programs which may be pending approval; and**
- C) Those programs that are not approved.**
- 7) Institutional eligibility for Initial Recognition under this Manual**
- A) The institution is approved as a degree-granting institution, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50] "An-Act to-revise-the-law-in-re-lation-ship-to-universities-colleges-academies-and-other-institutions-of-learning" (iii)---Rev. Stat.---1981-Ch.---147-Pars.---1-et-seq.---2;**
- B) The institution sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and**
- C) The institution proposes to conduct at least one approved teacher education program.**
- 8) Institutional Appeals Procedure**
- A) Cause: Any institution which has formally requested recognition or approval of a program, and wherein the State Teacher Certification Board or the State Superintendent of Education, or both, has recommended or granted provisional recognition or approval or has recommended denial or has denied recognition or approval may appeal such actions.**
- B) Notice: An aggrieved institution shall file notice of appeal within thirty (30) days after receiving notification of a Board recommendation or within thirty (30) days after receiving notification of action by the State Superintendent of Education. Notices of appeal shall be filed through the**

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United States mail service with the Secretary of the State Teacher Certification Board.

- C) Preliminary Hearing: Upon receipt of notification, the Secretary will designate, after consultation with the aggrieved institution, a hearing officer who will at the expense of the State Board of Education conduct a preliminary hearing to determine if substantive grounds for appeal exist. Such grounds will be limited to:

- i) Alleged incompetence of visitation team;
- ii) Alleged gross misinterpretation of evidence supplied by the institution; or
- iii) Alleged arbitrary or capricious action on the part of the State Superintendent of Education or the State Teacher Certification Board.

- D) The hearing officer will, after reviewing evidence emerging from the hearing, recommend to the State Superintendent of Education:

- i) That an appeal be granted; or
- ii) That an appeal be denied.

- E) When Appeal is Granted: The appeal will be heard within sixty (60) days after the hearing officer has presented his/her recommendation for granting an appeal. This hearing shall be limited to the scope of the grievances as delimited by the hearing officer. Evidence of program or institutional changes subsequent to action of the State Superintendent of Education or the State Teacher Certification Board will not be admissible. Either the State Superintendent or the Board, subsequent to the hearing, may recommend or grant approval, provisional recognition or approval, or deny recognition or approval.

- F) Costs: All costs for preliminary hearings and any appeals hearings, except those incurred by the institution, shall be borne by the State Board of Education.

- G) Counsel: At all times, the institution, the State Superintendent of Education, or the Board may elect to be represented by an attorney.

- H) ~~ASENEY--NOTER--~~After exhaustion of the appeals process, institutions may seek further remedies under the Administrative Review Law [735 ILCS 5/Art. 3] ~~(iii)---Rev. Stat--1981--ch.1107--pars--3-101-et-seq.)~~

(Source: Amended at 19 Ill. Reg. 16838, effective DEC 1 1986)

Section 25.120 Standards and Criteria for Institutional Recognition and Program Approval

- a) Standards for Recognition of Institutions

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Only those institutions which evidence and subsequently maintain sufficient compliance with the following standards will be recognized as teacher education institutions.

- 1) Institutional Support for Teacher Education Programs. These standards measure the institution's commitment to sponsoring teacher education programs and its capability to fulfill that commitment for the period of recognition.

A) The institution has articulated a statement of its mission or goals and the mission or goals include and are consistent with the sponsorship of teacher education programs.

B) The institution evidences continuing availability and commitment of fiscal, human, and other resources adequate to conduct approved teacher education programs.

C) The institution has developed and maintains an administrative and policy-development structure which provides the capability to undertake the coordination, planning, and evaluation processes necessary to the conduct of teacher education programs.

D) The institution presents documentation of the need for its programs, including an analysis of the available supply of teachers in the subject matter field and/or grade level being proposed.

2) Admissions, Retention, and Recommendation for Certification. The standards under this heading require evidence that the institution has established criteria and procedures for admission, retention, and recommendation for certification. These criteria and procedures must be neutral with respect to personal characteristics or background irrelevant to an individual's successful completion of a program and anticipated success in a certificated role in the Illinois public schools.

A) The institution has established a written recruitment plan detailing the procedures it follows in its efforts to attract students from diverse economic, racial, and cultural backgrounds to the teacher preparation programs. The institution follows written procedures for admitting students to the institution and to teacher preparation programs and undertakes continuous evaluation for retention in the institution and in the program. Such procedures shall minimally include the requirements set forth in Article 21 of the School Code [105 ILCS 5/Art. 21]. The written procedures establish the criteria to be used at the checkpoints of:

- i) admission to the institution;
- ii) admission to teacher education, including, but not limited to, assessing proficiency in reading, mathematics and language arts;
- iii) admission to student teaching; and
- iv) at the time of recommendation for certification.

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The criteria used at the second and successive checkpoints shall be more rigorous than those used at the preceding checkpoint.

- B) The institution has established and implemented procedures for assessing the candidate's abilities which were acquired prior to admission to the program and for planning the candidate's program in light of that assessment. A candidate evidencing appropriate or required knowledge, skills, and attitudes may qualify for advanced placement or credit by successfully completing appropriate examinations or other assessment procedures as presented by a recognized institution.
- C) The institution has not established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of race, color, national origin, or irrelevant physical conditions. A coeducational institution shall not have established and does not follow policies or procedures which intentionally or unintentionally discriminate on the basis of sex.
- D) The institution provides teacher education candidates with a written copy of students' responsibilities and rights and procedures for enforcing those responsibilities and rights. Causes for grievances shall include, but not be limited to, arbitrary or capricious institutional behavior in regard to:
- i) admission to a teacher education program;
 - ii) admission to the student teaching program or other clinical experience;
 - iii) dismissal from ~~the institution~~ or from the teacher education program, including clinical or student teaching experiences;
 - iv) evaluation of the candidate's performance in courses, clinical or student teaching settings, or any other regularly provided or required activity having a direct bearing on the candidate's being recommended for certification or for employment; or
 - v) failure to recommend the candidate for certification, when required, in a timely fashion.
- Such procedures shall allow students to be represented by an attorney.
- E) The institution provides evidence of systematic counseling services designed to identify potential teacher education candidates and to provide advice and counsel to those considering enrolling or already admitted into teacher education programs. Such counseling shall include reliable information based on the institution's past experience concerning prospects for employment in the candidate's chosen field.
- F) The institution has established written procedures and

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criteria for determining whether a candidate will be recommended for certification by entitlement.

- 3) General Features of Teacher Education Programs
- These standards assess the institution's general capability to sponsor teacher education programs and its commitment to designing and redesigning teacher education programs responsive to the needs of public education in the State of Illinois.
- A) The institution provides, under its control or by contractual arrangement with other approved post-secondary institutions, programs offering balanced and interrelated learning experiences:
- i) in the humanities, social sciences, and the natural sciences;
 - ii) in a subject area(s) taught in Illinois public schools or necessary for preparation to assume supervisory, school service, or administrative roles in Illinois public schools; and
 - iii) in professional studies and experiences, including clinical experience in school or community settings throughout the preparation period.
- Biv) Institutions must enter into written agreements with authorities in charge of clinical sites. These agreements must describe the responsibilities of the candidate, the institution, and the clinical site.
- iv) All clinical experiences must be supervised by qualified personnel.
- iv*) Student teaching must be conducted under close and competent supervision. The institution must insure that the system of supervision generates enough valid documentation and evidence that a decision regarding a candidate's success, or lack of success, can be made and defended.
- CB) The institution maintains a learning environment supportive of programs which provide candidates with awareness, appreciation, and knowledge of cultural pluralism and a commitment toward the acquisition of skills on how to work with culturally distinctive students.
- De) The institution has established a continuous process for the evaluation of its teacher education programs and graduates. Evidence that the results of this evaluation, together with consultation with school personnel and community persons and groups, are used in the development of new programs and modification of existing programs shall be presented.
- b) Criteria for Approval of Programs
- Only those programs evidencing sufficient compliance with the following criteria will be approved. The term "program" refers to a structured sequence of learning activities and experiences which is designed to lead to a specific certificate and endorsement.

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- 1) Relationship of Program to Public School Needs
These criteria measure a specific program's relationship to the needs of public schools generally and those of Illinois public schools particularly.
 - A) The program provides for acquisition of knowledge, attitudes, and skills necessary for effective performance in specific teaching, supervising, school service or administrative roles.
 - B) The program is a carefully planned set of experiences designed to develop the capacities and abilities that have been identified as a result of attention to public school needs.
 - C) The program develops the candidate's understanding and awareness of the unique nature of distinct cultural and ethnic groups as well as the relationships among these groups.
 - D) The program provides evidence that its faculty has the opportunity to participate directly in elementary and secondary school programs or community service programs and that educational personnel working in the elementary and secondary schools have the opportunity to participate directly in the program in a role other than that of student.
- 2) The Design of the Program
These criteria require that a program for the preparation of educational personnel demonstrate coherence and integrity.
 - A) The program has a rationale and related set of objectives which describe the intent of the program and which enable evaluation of it.
 - B) The program includes study of theoretical formulations of learning processes and their pedagogical implications, with emphasis on these implications for the candidate's specialization.
 - C) The program provides learning experiences enabling candidates to become aware of and responsive to the varied educational needs and the distinct cultural backgrounds of students to the extent practicable. In addition, opportunities shall be available for candidates to acquire and demonstrate abilities to work with students of culturally diverse backgrounds.
 - D) The program provides systematic procedures for evaluating the candidates' ability to teach, supervise, or administer.
 - E) The program provides for continuous evaluation, including evaluation of current students and graduates, and for program modifications based on evaluation.
 - F) The program provides a sound basis for continued study and acquisition of knowledge and skills.
- 3) Program Resources

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- These criteria require evidence that sufficient resources are allocated to support the program to insure its being conducted as described.
- A) The program is supported by adequate and sufficient faculty, instructional resources, and clinical settings.
 - B) The program has and is attracting or is realistically expected to attract sufficient students to enable adequate evaluation of the program.
- c) Eligibility and Standards for Approval of Consortium Programs
 - 1) A consortium among recognized teacher education institutions in which one or more have an approved program in the area(s) in which the consortium wishes to sponsor programs will be approved upon meeting the following standards:
 - A) The institution at which the student is enrolled as a teacher education candidate awards the degree and recommends certification.
 - B) The arrangements are set forth in a written agreement between or among participating institutions with assurance that students enrolled in the consortium-sponsored program, should the institution agree to cease these efforts, will be able to finish the program in a timely fashion.
 - C) The consortium-sponsored program is the same, or virtually the same, as the approved program.
 - 2) A consortium among recognized teacher education institutions in which none of the institutions has an approved program in the proposed area(s) will be approved upon meeting the following standards:
 - A) The institution at which the student is enrolled as a teacher education candidate awards the appropriate degree and recommends certification.
 - B) The proposed program(s) meet(s) the criteria for programs presented heretofore.
 - C) There exists a written agreement specifying the arrangements for the conduct of the consortium and program and the agreement provides that students enrolled in the program(s) will be allowed to complete the program(s) in a timely fashion should the consortium be disbanded.
 - 3) A consortium among a recognized teacher education institution(s) and another approved post-secondary educational institution(s) or organization(s) not recognized for purposes of teacher education will be approved upon meeting the following standards:
 - A) The degree and recommendation for certification are issued by a recognized teacher education institution.
 - B) The proposed program(s) meet(s) the criteria for approval of programs presented heretofore.
 - C) The nonrecognized institution or organization has been approved under applicable provisions of the Higher Education Act [110 ILCS 50] §§11-Rev-Stat-19917-chr-144.

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D) There exists a legally enforceable agreement or contract between and among participants in the consortium-sponsored program describing arrangements, responsibilities, and financing of the operations and assuring that students enrolled in the program(s) will be allowed to complete the program in a timely fashion.

(Source: Amended at 19 Ill. Reg. 16826, effective
DEC 11 1996)

Section 25.150 The Periodic Review Process

Each recognized teacher education institution in the State of Illinois will be reviewed at least once every five ten years (the Fifth-Year ten-year Review). At a point midway between ten-year Reviews, each teacher education institution will file a report describing existing teacher education programs--the Fifth-Year Report:

- a) Procedures--The ten-year Review
- a) The Secretary of the State Teacher Certification Board will notify institutions of pending Fifth-Year ten-year Reviews. Such notifications shall be given at least one academic year in advance of scheduled visits. The institution will be asked to identify acceptable dates within a ten-week span.
- b) After a visitation date has been established, a representative of the State Board of Education will be appointed to provide assistance to the institution as it prepares for the Fifth-Year ten-year Review.
- c) The institution will prepare a self-study report with the assistance of the State Board's representative. Copies of this report will be delivered to the State Board of Education.
- d) A chairperson for the Fifth-Year ten-year Review will be appointed by the Secretary of the State Teacher Certification Board. The chairperson will then select individuals to serve on the team visiting the institution.

e) The team will visit the institution. In most cases, the visit will last three days. All expenses of the visiting team will be paid by the State Board of Education. The team will assess the institution and its programs in terms of the institutional standards and program criteria found in Section 25.120 of this Part.

f) Using the reports submitted by team members, the chairperson will compile a team report. The report will be submitted to individual team members and to the institution for validation of the accuracy of the report. Team members and the institution will provide any corrections to the team chairperson within a reasonable period of time.

g) A fully validated report will serve as a basis for recommendations to be made to the State Teacher Certification Board. In all cases, the institution will be provided a copy of the final draft of the team report along with any recommendations.

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b) The State Teacher Certification Board will review the institutional self-study report, the validated team report, and any recommendations presented by the State Board of Education staff. A representative of the institution is encouraged to be present at the time the results of the fifth-year ten-year review are considered by the Board. The State Teacher Certification Board will recommend action to the State Superintendent of Education, who will notify the designated institutional officer of its action.

- b) Procedures--the Fifth-Year Report
- i) The Secretary of the State Teacher Certification Board will notify each institution of its responsibility for filing a Fifth-Year Report at least one academic year prior to the date on which the report is due. A representative will be appointed by the Secretary to provide assistance to the institution as it prepares the Fifth-Year Report.
- ii) The institution will prepare the Fifth-Year Report with the assistance of the State Board's representative. Copies will be delivered to the State Board of Education.
- iii) After the report has been submitted, the State Board of Education staff will file an analysis of the programs presented in the Fifth-Year Report with the State Teacher Certification Board.
- iv) The State Superintendent of Education, in consultation with the State Teacher Certification Board, will consider acceptance of the report and any deficiencies which should be remedied prior to the next review. Institutions will be notified of the action by the State Superintendent of Education.

(Source: Amended at 19 Ill. Reg. 16826, effective
DEC 11 1996)

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.210 Requirements for the Certification of School Social Workers

- a) Effective January 1, 1996, the school social work endorsement will be issued only to persons holding a master's or higher degree in social work, including a minimum of 55 graduate-level semester hours of coursework, supervised field experience, and school social work internship, from a graduate school of social work accredited by the Council on Social Work Education.
- b) School social workers must hold a school service personnel certificate based on completion of an approved program that provides consideration across the curriculum to racial, cultural, gender, and ethnic diversity, as well as an examination of the social worker's professional code of ethics.
- c) Required Content Areas and Courses

Graduate-Level

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- 1) Human Behavior and the Social Environment 4
- 2) Social Welfare Policy 4
- 3) Social Work Theory, Methods, and Practice, including Individual, Family, Group, Consultation, and Community Intervention Methods 2
- 4) Research Methodology 2
- 5) Characteristics of Exceptional Children 2
- 6) Social Work Practice in the Public Schools, including:
- A) Intervention Methods with Individuals, Families, and Groups, and consultation with school personnel and the school community
- B) School Laws, Rules, and Regulations, and Public Policy Pertaining to School Social Work Practice
- C) Organizational and Administrative Concepts and Processes Related to Schools
- d) Supervised Field Experience
- School social workers must complete a supervised field experience comprising a minimum of 400 contact hours that are supervised by a field instructor holding a master's or higher degree in social work. School social workers must complete a school social work internship comprising a minimum of 600 contact hours in a school setting.
- 1) The internship must be supervised by a field instructor holding a master's or higher degree in social work and a school service personnel certificate endorsed for school social work, or equivalent certification.
- 2) The internship must provide for the development and demonstration of professional skills, including, but not limited to:
- A) Communication, interviewing, and observation skills
- B) Social Developmental, Adaptive Behavior, and Cultural Background assessments
- C) Effective intervention with culturally diverse populations
- D) Home-School-Community liaison
- E) Application of theory to specific practice modalities --
- Crisis Intervention
- Prevention and Early Intervention
- Consultation
- Collaboration and Participation
- Multidisciplinary Team Work
- Case Management
- Individual, Group, and Family Intervention
- Community Resource Development
- Advocacy
- F) Evaluation of Practice
- G) Evaluation of Program

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- a) The basis for school social work endorsement on the School Service Personnel Certificate shall be the Master of Social Work Degree from a graduate school of Social Work accredited by the Council on Social Work Education.
- b) All school social workers presently certified by the State Board of Education shall automatically be approved for the School Service Personnel Certificate.

(Source: Amended at 19 Ill. Reg. 16826, effective DEC 1 1996)

SUBPART F: GENERAL PROVISIONS

Section 25.442 Illinois Teacher Corps Programs

Section 21-11.4 of the School Code [105 ILCS 5/21-11.4] establishes the Illinois Teacher Corps Program to permit school districts, colleges, and universities to enter into collaborative programs to educate and induct qualified professionals into elementary and secondary teaching as a second career.

- a) Descriptions of Teacher Corps programs shall be submitted by a recognized teacher education institution or institutions, in collaboration with one or more school districts, to the State Superintendent of Education. The Superintendent, in consultation with the State Teacher Certification Board, shall approve such programs in accordance with the following requirements:
- 1) The participating teacher education institution must have existing approved programs in the areas for which Teacher Corps programs are proposed.
- 2) Each Teacher Corps program shall establish the following requirements:
- A) Program participants must earn a resident teacher certificate as defined in Section 21-11.3 of the School Code [105 ILCS 5/21-11.3] and must possess the certificate upon entry into the program.
- B) Program participants must possess a bachelor's degree from a recognized institution of higher education with at least a 3.00 out of a 4.00 grade point average or its equivalent.
- C) Program participants must:
- i) possess a minimum of five years of professional experience in the area in which the candidate wishes to teach; professional experience shall mean experience in the workforce directly related to a teaching field (e.g., five years of professional experience as a chemist would qualify for preparing to teach high school chemistry); or
- ii) participate in a one-year teacher preparation

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internship in a school district, which shall be developed collaboratively by the school district and the institution and approved by the State Teacher Certification Board.

D) Program participants must pass the test of basic skills required by Section 21-1a of the School Code [105 ILCS 5/21-1a].

E) Program participants must be enrolled in a master's of education degree program approved by the State Superintendent of Education in consultation with the State Teacher Certification Board.

3) Teacher Corps Program participants must complete a six-week summer intensive teacher preparation program designed by the participating teacher education institution or institutions and the participating school district or districts as the first component of a master's program.

4) Teacher corps program participants must obtain a passing score on the subject matter knowledge test required by Section 21-1a of the School Code by the time of completing the Teacher Corps Program.

5) The participating school district must provide in a written and signed document the following support to Teacher Corps Program participants:

A) A salary and benefits package as negotiated through the teacher contracts.

B) A certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and the participating teacher education institution, and

C) At least quarterly evaluations of each candidate performed jointly by the mentor teacher and the principal of the school or the principal's designee.

b) Upon successful completion of the master's degree Teacher Corps Program, the participant shall be awarded the elementary, secondary, or special certificate(s), as applicable, and all other general education academic coursework deficiencies shall be waived.

(Source: Added at 19 Ill. Reg. 16828, effective
DEC 11 1996)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education

An institution may use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/21-2b]-- Teacher Education Program Entrance.

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a) If an institution chooses to use the basic skills test for that purpose, it shall abide by all the rules governing the Illinois Certification Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

b) An institution shall not use the basic skills test nor any other test of the Illinois Certification Testing System for any other purpose, including, but not limited to, admission to student teaching and completion of the program.

(Source: Added at 19 Ill. Reg. 16826, effective
DEC 11 1996)

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Educational Service Centers

2) Code Citation: 23 Ill. Adm. Code 500

3) Section Numbers: Proposed Action:

500.10 Repeal
500.20 Repeal
500.30 Repeal
500.40 Repeal
500.50 Repeal
500.60 Repeal
500.70 Repeal
500.80 Repeal
500.90 Repeal
500.100 Repeal
500.110 Repeal
500.120 Repeal

4) Statutory Authority: 105 ILCS 5/2-3.62

5) Effective Date of Rules: December 11, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 1, 1995

9) Notice of Proposal Published in Illinois Register: May 12, 1995; 19 Ill. Reg. 6415

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: There is no difference between the proposed and final versions.

12) Have all the changes agreed upon by the agency and and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: These rules governed the 18 Educational Service Centers (ESCs) in existence prior to August 1995. P.A. 88-89 amended Section 2-3.62 of the School Code, however, to eliminate as of

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that date certain ESCs and transfer their programs and services to the new Regional Offices of Educational (ROEs) oversight boards. Rules governing the oversight boards of the ROEs (23 Ill. Adm. Code 525, effective November 28, 1994) include provisions dealing with the remaining ESCs in Chicago and suburban Cook County. Therefore, Part 500 is no longer needed.

16) Informational and questions regarding this adopted repealer shall be directed to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, IL 62777-0001
(217) 782-0541

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Crisis Assistance
- 2) Code Citation: 89 Ill. Adm. Code 116
- 3) Section Numbers: 116.400
Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 11, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 11, 1995
- 9) Notice of Proposal Published in Illinois Register: August 4, 1995 (19 Ill. Reg. 11312)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. All references to the Ill. Rev. Stat. were stricken.
 2. In Section 116.400(b)(2), "families" was capitalized.
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In accordance with federal regulations, these amendments make changes in the eligibility criteria for the Department's Crisis Assistance Programs. As a result of this rulemaking, crisis assistance will only be provided if the destitution or need did not arise from a refusal without good cause to accept employment or training for employment.
- 16) Information and questions regarding these Adopted Amendments shall be

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directed to: Judy Umunna
Name: Bureau of Rules and Regulations
Address: Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 116

CRISIS ASSISTANCE

Section	
116.10	Incorporation By Reference
116.400	Crisis Assistance Programs
116.500	Special Assistance Program
116.510	Emergency Assistance Program
116.520	Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7895, effective June 5, 1995; amended at 19 Ill. Reg. 16850, effective DEC 11 1996.

Section 116.400 Crisis Assistance Programs

- a) The Department administers Crisis Assistance Programs which include the Special Assistance Program and the Emergency Assistance Program.
- b) The following groups of families are eligible for the Special Assistance and Emergency Assistance Programs:
 - 1) Families that receive aid to families with dependent children (AFDC) financial assistance or who meet all the eligibility criteria of the AFDC program (see 89 Ill. Adm. Code 112) (Section 4-12 of the Illinois Public Aid Code--iii--Rev--Stat--1991--ch--23--par--4--12 [305 ILCS 5/4-12]);
 - 2) Families ~~families~~, ineligible for AFDC financial assistance, that contain a child under age 21 and meet the financial eligibility criteria of the AFDC program. However, families ineligible for

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AFDC are not eligible for Special Assistance for non-medical needs related to essential medical care;

- 3) *Pregnant women whose pregnancy has been medically confirmed who would be eligible for the AFDC program if the child were born* (Section 4-12 of the Illinois Public Aid Code--iii--Rev--Stat--1991--ch--23--par--4--12 [305 ILCS 5/4-12]); and
- 4) Children and families who receive services from the Department of Children and Family Services (DCFS).
- c) Assistance provided through any of the Crisis Assistance Programs shall not be considered as income in computing the regular assistance grant.
- d) Assistance is provided only if the destitution or need did not arise from a refusal without good cause to accept employment or training for employment.

(Source: Amended at 19 Ill. Reg. 16850, effective DEC 11 1996.)

DEPARTMENT OF CORRECTIONS
NOTICE OF EMERGENCY RULE

companion proposed rulemaking in this *Illinois Register*.

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand any State mandate.

12) Information and questions regarding these rules shall be directed to:

Donald N. Snyder, Jr.
Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P.O. Box 19277
Springfield, IL 62794-9277
(217) 522-2666

The full text of the emergency rules begins on the next page:

DEPARTMENT OF CORRECTIONS
NOTICE OF EMERGENCY RULE

1) Heading of the Part: Secure Residential Youth Care Facilities

2) Code Citation: 20 Ill. Adm. Code 801

3) Section Numbers: Proposed Action:

801.10	New Section
801.15	New Section
801.20	New Section
801.25	New Section
801.30	New Section
801.40	New Section
801.50	New Section
801.60	New Section
801.70	New Section
801.80	New Section
801.90	New Section
801.100	New Section

4) Statutory Authority: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

5) Effective Date of Rule: December 7, 1995

6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

7) Date Filed in Agency's Principal Office: December 7, 1995

8) Reason for Emergency: Due to recent serious crimes including murder, there are several youth under the age of 13 who have been adjudicated delinquent and may be determined appropriate for secure residential youth care placement. In order to protect the safety and security of the public and the youth at issue, it is necessary to begin to immediately issue permits to interested parties for the operation of secure residential youth care facilities.

9) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures for emergency licensure and standards for the operation of Secure Residential Youth Care Facilities by facilities which are currently licensed as child care facilities by the Department of Children and Family Services. Such facilities will provide a secure residential setting for the care, treatment and custody of youth adjudicated delinquent who have been transferred to the custody of the Department under Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

10) Are there any proposed rulemakings to this Part pending? Yes, there is a

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER h: MISCELLANEOUS STANDARDS

PART 801

SECURE RESIDENTIAL YOUTH CARE FACILITIES

Section

801.10 Applicability

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801.15 Designees

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801.60 Issuance of an Emergency Permit

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801.70 Complaints Concerning Facilities Holding Emergency Permits

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801.80 Investigation of Complaints or Potential Deficiencies

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801.90 Removal of Youth

EMERGENCY

801.100 Severability of this Subpart

EMERGENCY

AUTHORITY: Implementing and authorized by the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 16856, effective December 7, 1995.

Section 801.10 Applicability

EMERGENCY

When there is an urgent need for secure bed space as determined by the Illinois Department of Corrections, the Department may accept applications for emergency licensing. This Subpart applies to any person, group of persons, corporations, or entity other than an Illinois Department of Corrections facility which is currently licensed as a child care facility by the Department of Children and

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Family Services pursuant to 89 Ill. Adm. Code 404 and intends to develop, establish, maintain, or operate a secure residential youth care facility on a temporary, emergency basis.

Section 801.15 Designees

EMERGENCY

Unless otherwise specified, whenever a title such as Director or Deputy Director is used in this Subpart, it means the person who holds that title or the person who has been designated in writing to fulfill the duties of that title on a routine basis or during a temporary absence or an emergency.

Section 801.20 Definitions

EMERGENCY

"Act" means the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

"Department" means the Illinois Department of Corrections.

"Deputy Director" means the Deputy Director of the Juvenile Division of the Department.

"Director" means the Director of the Department.

"Emergency permit" means a document issued by the Department to allow an applicant to operate a secure residential youth care facility for a six-month period on an emergency basis while providing a reasonable time to become eligible for a full license, if applicable.

"Governing body" means the board of directors of a corporation or partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

"License" means a license issued by the Department to allow the applicant to establish or operate a secure residential youth care facility.

"Licensee" means those individuals, agencies, or organizations who hold a license.

"Licensing Administrator" means Department staff authorized by the Director to oversee the licensing process and operations of secure residential youth care facilities holding a license, permit, or emergency permit.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for a license, permit or

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emergency permit.

"permit" means a one-time document issued by the Department for a six-month period to allow a new licensing applicant or the holder of an emergency permit to become eligible for a full license.

"Secure residential youth care facility" as defined in the Act means a facility or portion thereof: (1) where youth are placed and reside for care, treatment, and custody; (2) that is designed and operated so as to ensure that all entrances and exits from the facility, or from a building or distinct part of a building within the facility, are under the exclusive control of the staff of the facility, whether or not the youth has freedom of movement within the perimeter of the facility or within the perimeter of a building or distinct part of a building within the facility; and (3) that uses physically restrictive construction including, but not limited to, locks, bolts, gates, doors, bars, fences, and screen barriers. This definition does not include jails, prisons, detention centers, or other correctional facilities; State operated mental health facilities; or facilities operating as psychiatric hospitals under a license pursuant to the Nursing Home Care Act [210 ILCS 45] or the Hospital Licensing Act [210 ILCS 85].

"Youth" as defined in the Act means an adjudicated delinquent who is 18 years of age or under and is transferred to the Department pursuant to Section 3-10-11 of the Unified Code of Corrections [730 ILCS 5/3-10-11].

Section 801.25 Emergency Permit Required EMERGENCY

- a) Any person, group of persons, corporation, or other entity who or which receives youth or arranges for care and placement of one or more youth unrelated to the operator and who desires to develop, establish, maintain, or operate a secure residential youth care facility, except for Department-run facilities, must obtain a license, permit or emergency permit from the Department prior to commencing operations.
- b) Before an emergency permit may be granted, the licensing applicant must provide documentation to the Department's satisfaction of the facility's compliance with federal, State, and local laws as well as all applicable building, zoning, planning, land use, health, and sanitation regulations as specified in federal, State, or local laws or ordinances and with fire safety requirements of the State Fire Marshal and that it meets the requirements prescribed in this Part.

Section 801.30 Emergency Permit Fee EMERGENCY

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- a) The Department shall establish a standard non-refundable fee which must be submitted with each application for an emergency permit. The fee shall be designated on the application form.
- b) Fees collected by the Department shall be deposited into the Secure Residential Youth Care Facility Fund and shall be used for expenses incurred for the administration of the Act.

Section 801.40 Application for Emergency Permit EMERGENCY

- a) The facility applying for the emergency permit must already possess a valid and current license as a child care facility from the Department of Children and Family Services. The facility shall be required to follow the standards established in 89 Ill. Adm. Code 404 unless otherwise specified in this Part. The Department shall be notified by the facility if it is in violation of any Department of Children and Family Services' licensing requirements including any existing or pending complaints, investigations, findings of licensing violations, and revocation proceedings.
- b) An application for an emergency permit to operate a secure residential youth care facility shall be completed and signed by the governing body of the facility or its authorized representatives on forms prescribed and furnished by the Department. Forms are available by sending a written request to:

Illinois Department of Corrections
Deputy Director of the Juvenile Division
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Attn: Licensing Administrator

- c) A copy of the application filed by the facility for licensure as a child care facility and the attachments required under 89 Ill. Adm. Code 404.4(b) shall be made available to the Department upon request.
- d) The application for the emergency permit shall include the following:
 - 1) A general description of the type of security system and protocols established or to be established;
 - 2) A facility site plan of the proposed site in which the specific use of each building is identified and the specific floor plan showing each room identified for secure residential youth care use. All secure doors, windows, and perimeter structures, including fencing, shall be shown;
 - 3) The programming and operational plan for secure residential youth care, including at a minimum security, control of youth movement, use of force, fire plan, discipline and grievances, case management, and after-care planning;
 - 4) The staffing plan for the secure residential youth care program

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which provides for continuous supervision, treatment services, and security for youth in custody and that includes the number of staff, their minimum qualifications, pre-service orientation and on-going training for staff, and complete job description and job titles;

- 5) The appropriate application fee per Section 801.40; and
 - 6) A copy of the current license for a child care facility issued by the Department of Children and Family Services.
- e) A new application for an emergency permit shall be required whenever:
- 1) There is a change of facility location, major renovation, or construction of a new facility; or
 - 2) There is a change of emergency permit holder's ownership, name, supervising agency, or corporate status or the individual who holds a permit has died.

Section 801.50 On-site Inspection of Programs, Security, and Operations EMERGENCY

- a) Prior to recommending issuance of an emergency permit, the site of a proposed secure residential youth care facility shall be inspected by licensing representatives.
- b) On-site reviews of programs, security, and operations shall be completed by Department licensure staff prior to a recommendation for the issuance of an emergency permit.
- c) The on-site review will assess the following:
 - 1) Compliance with applicable statutes, licensing procedures, and standards;
 - 2) The adequacy of security, programming, and care;
 - 3) The degree to which the program, as outlined, can reasonably be expected to ensure security, safety, continuity of care, and the provision of adequate after-care planning and services;
 - 4) The adequacy of number of staff, staff qualifications, and training;
 - 5) The adequacy of the physical plant, site, and facility design in relation to implementing a secure program; and
 - 6) Whether the quality assurance, security policies, and evaluation mechanisms developed by the facility can reasonably be expected to control the use of behavior management techniques and security practices within the secure residential youth care facility and to minimize the frequency of unusual incidents within the program.
- d) Following the on-site visit, the licensing representative shall submit a recommendation regarding issuance of an emergency permit to the Licensing Administrator who shall review and submit the final recommendation to the Deputy Director.
- e) In order to determine continuing compliance with applicable statutes and rules, a secure residential youth care facility which holds an emergency permit may, without prior notice, be visited periodically by

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authorized representatives of the Department.

Section 801.60 Issuance of an Emergency Permit EMERGENCY

- a) An emergency permit shall not be issued until:
 - 1) The application for an emergency permit has been completed pursuant to Section 801.50 and signed by the members of the governing body of the facility or its authorized representative and submitted to the Department; and
 - 2) A determination has been made by the Deputy Director that the facility is in compliance with licensing requirements established in this Part.
- b) An emergency permit shall not be issued retroactively.
- c) The emergency permit shall not be transferred or transmitted to another person, organization, or sponsor.
- d) The emergency permit shall not be valid for a name or address different than the name and address shown on the issued emergency permit.
- e) If a full license has not been issued at the expiration of the six month period covered by the emergency permit, the permit holder can re-apply for an additional emergency permit to allow the facility reasonable time to become eligible for a full license. The re-application must be submitted no later than 45 days prior to the expiration date of the current emergency permit.
- f) A license may be issued any time within the six month period covered by the emergency permit provided the facility achieves compliance with the Department's licensing standards as outlined in this Part.
- g) Changes in the following shall occur only upon prior approval of the Department:
 - 1) The age, gender, or characteristics of children accepted into the secure residential youth care facility;
 - 2) The programming modality used by the facility;
 - 3) The capacity of the facility;
 - 4) The area within the facility used for secure residential youth care; or
 - 5) The security and operational plan to be used by the facility.
- h) The emergency permit holder shall give 90 days notice to the Department prior to voluntarily closing or terminating its secure residential youth care facility. The notice shall state the proposed date of closing and the reason for the closing. The facility shall operate in full compliance with the standards listed in this Part until date of closure or until youth are removed.
- i) A current emergency permit for the secure residential youth care facility shall be publicly displayed at the facility at all times.
- j) If the emergency permit holder's mailing address but not the physical location changes, the Department shall be notified immediately, but no later than ten days after the change. A current phone number shall be

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provided to the Department.

**Section 801.70 Complaints Concerning Facilities Holding Emergency Permits
EMERGENCY**

- a) Complaints alleging abuse or neglect of children shall be reported immediately to the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300. The Department of Children and Family Services shall immediately notify the Department upon receipt of any such allegation.
- b) Complaints alleging excessive use of force shall be reported immediately to the Licensing Administrator. The Licensing Administrator shall notify the Department of Children and Family Services upon receipt of any such allegation.
- c) All other complaints concerning secure residential youth care facilities shall be directed orally or in writing to the Department's licensing representatives serving the facility, if known, or to:

Illinois Department of Corrections
Deputy Director of the Juvenile Division
1301 Concordia Court
P.O. Box 19277
Springfield, Illinois 62794-9277
Attn: Licensing Administrator
(217) 522-2666

**Section 801.80 Investigation of Complaints or Potential Deficiencies
EMERGENCY**

- a) Complaints alleging abuse or neglect to youth in the facility shall be investigated by the Department of Children and Family Services in accordance with 89 Ill. Adm. Code 300.
- b) The Department of Corrections shall initiate a timely investigation of allegations of excessive use of force and all other complaints, potential deficiencies, violations, or evidence of grounds for revocation.
- c) Department investigations may include an interview with the person making the complaint, if known, and with others who may have knowledge relevant to the complaint or deficiency.
- d) An unannounced visit by the licensing representative may be made to the location of the licensee.
- e) The facility's refusal to allow the licensing representative to conduct the investigation or failure to otherwise cooperate in the investigation is basis for termination of the emergency permit.

**Section 801.90 Removal of Youth
EMERGENCY**

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- a) Whenever the Department finds that the continued placement of youth within a secure residential youth care facility jeopardizes the health, safety, or welfare of the youth served by the facility or that the facility is unable to maintain adequate security, the Department shall remove the youth placed in the facility. All youths' records, personal property, and any medication shall be released to the Licensing Administrator.
- b) The Department may remove youth for any other reason as determined by the Deputy Director.

**Section 801.100 Severability of this Subpart
EMERGENCY**

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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1) Heading of the Part: Meat and Poultry Inspection Act2) Code Citation: 8 Ill. Adm. Code 1253) Section Numbers: Peremptory Action:

125.270 Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650/16]; the Federal Meat Inspection Act (21 U.S.C.A. 661); 60 FR 54295.5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650/16].6) Effective Date: December 22, 19957) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat inspection program as required by the Federal Meat Inspection Act and in compliance with Section 16 of the Meat and Poultry Inspection Act, changes in the federal rules relative to meat inspection are hereby adopted.

The Food Safety and Inspection Service (FSIS) of the United States Department of Agriculture is amending the Federal meat inspection regulations "to permit the use of potassium hydroxide in hog scald and hair removal processes. Hog scald and hair removal agents are used by meat processors to dehair hog carcasses. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents." (Federal Register, page 54295, October 23, 1995 issue) Section 318.7(c)(4) of 9 CFR Part 318 of the Federal regulations is amended effective December 22, 1995 and is hereby incorporated into Illinois' meat inspection regulations at Section 125.270(a).

8) Does this rulemaking contain an automatic repeal date? No9) Date Filed in Agency's Principal Office: December 22, 199510) This rule is in compliance with Section 5.03 of the Illinois

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Administrative Procedure Act.

11) Are there any proposed amendments pending to this Part? Yes, peremptory amendments to Sections 125.260 and 125.380, November 17, 1995 Illinois Register, 19 Ill. Reg. 15766.

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.

13) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
(217) 785-5713; Facsimile: (217) 785-4505

The full text of the Peremptory amendment begins on the next page:

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SUBPART C: POULTRY INSPECTION

125.305	Exotic Animal Inspection
Section	
125.310	Application of Inspection
125.320	Facilities for Inspection
125.330	Sanitation
125.340	Operating Procedures
125.350	Ante-Mortem Inspection
125.360	Post-Mortem Inspection; Disposition of Carcasses and Parts
125.370	Handling and Disposal of Condemned or Inedible Products at Official Establishments
125.380	Labeling and Containers
125.390	Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements
125.400	Definitions and Standards of Identity or Composition
125.410	Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT

PART 125
MEAT AND POULTRY INSPECTION ACT
SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product
125.280	Meat Definitions and Standards of Identity or Composition
125.290	Transportation
125.295	Imported Products
125.300	Special Services Relating to Meat and Other Products

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August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16084, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill.

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Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16886, effective DECEMBER 1995.

SUBPART B: MEAT INSPECTION

Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.14 through 318.20, 318.22, 318.23, 318.24, 318.300 through 318.311 (1990; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990; 55 FR 34678, effective September 24, 1990, as amended by 55 FR 49991, December 4, 1990; 57 FR 27870, effective July 22, 1992; 57 FR 42885, effective October 19, 1992; 58 FR 4067, effective February 12, 1993; 58 FR 41138, effective September 1, 1993; 58 FR 42188, effective September 8, 1993; 58 FR 45238 and 58 FR 45240, effective September 27, 1993; 58 FR 59934, effective December 13, 1993; 58 FR 63521, effective January 3, 1994; 59 FR 12536, effective April 18, 1994; 59 FR 33641, effective June 30, 1994; 59 FR 41640, effective September 14, 1994; 59 FR 62551, effective January 5, 1995; 60 FR 10304, effective February 24, 1995; 60 FR 34295, effective December 22, 1995).

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(4) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector

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if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

- e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.

- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.

- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.

- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.

- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.

- k) Disinfectants shall be those as set forth in Section 125.180.

- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steampressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.

- o) The standards and procedures for determining when ingredients of finished products are in compliance with this Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 19 Ill. Reg. 16806, effective 12/2/96)

DEPARTMENT OF REVENUE

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hotel Operators' Occupation Tax Act

- 2) Code Citation: 86 Ill. Adm. Code 480

- 3) Section Numbers: Proposed Action:

Section 480.101

Amendment

Section 480.105

Amendment

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:

October 6, 1995, 19 Ill. Reg. 13828

- 5) Reason for the Withdrawal: A public hearing was held regarding these proposed amendments on November 28, 1995. The Department has decided to withdraw the proposed regulations pending its evaluation of the public comments received at the hearing.

DEPARTMENT ON AGING

JANUARY 1996 REGULATORY AGENDA

- a) Heading of the Part: Community Care Program
Code Citation: 89 Ill. Adm. Code 240

1) Rulemaking:

- A) A description of the rule(s): Universal Pre-Admission Screening - To implement P.A. 89-0021, which mandates that the Illinois Department on Aging and the Departments of Public Aid, Rehabilitation Services and Mental Health and Developmental Disabilities screen all nursing home facility applicants to Medicaid certified nursing home facilities regardless of the type of payment.

- B) Statutory Authority: P.A. 89-0021

- C) Schedule meeting/hearing date: The Department does anticipate conducting public hearings on this rulemaking.

- D) Date agency anticipates First Notice: The Department anticipates First Notice after January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect the Case Coordination Units within the Community Care Program.

- F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, IL 62701-1789
 (217) 785-3346

- G) Related rulemakings and other pertinent information: None

- b) Heading of the Part: Older Americans Act Programs
Code Citation: 89 Ill. Adm. Code 230

1) Rulemaking:

- A) A description of the rule(s): The Department is reviewing, as required, the Intrastate Funding Formula for the award of Older Americans Act and related funding. Should the review lead the Department to pursue changes in the formula, these changes would be forwarded through the rulemaking process.

- B) Statutory Authority: 20 ILCS 105/4.01, (4), (11) and 5.02

DEPARTMENT ON AGING

JANUARY 1996 REGULATORY AGENDA

- C) Schedule meeting/hearing date: Should the funding formula be revised, the Department does anticipate regional hearings and requests that written comment be submitted to the Office of General Counsel.

- D) Date agency anticipates First Notice: The Department would anticipate First Notice after January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: Such rulemaking would affect Area Agencies on Aging, the Illinois Department on Aging and providers of service funded under Area Plans on Aging.

- F) Agency contact person for information:

Ms. Pamela W. Balmer, Assistant
 Office of General Counsel
 Illinois Department on Aging
 421 East Capitol Avenue #100
 Springfield, IL 62701-1789
 (217) 785-3346

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1996 REGULATORY AGENDA

- a) **Part(s) (Heading and Code Citation):** Child Welfare Demonstration; Title IV-E (Code citation to be determined)

1) Rulemaking:

- A) **Description:** The Department will be proposing the establishment of an expansion of the Successor Guardianship program, that would increase the number of children served by the successor guardianship program if a waiver of Federal Title IV-E regulations is granted. The Department would provide a subsidized private guardianship program which parallels the adoption assistance program. The Federal waiver would permit the Department to claim reimbursements on the grants that it pays to unlicensed relatives, while eliminating the cost of the administrative fees it pays to agencies.

The Department would set successor guardianship rates equal to the subsidized adoption rates in the parts of the State selected for a demonstration project under the waiver. Licensing is not required for adoption by related caregivers. It would be proposed that licensing would not be required under successor guardianship either. The proposed amendments would offer incentives to become successor guardians because the upper end of the needs-based formula will be higher than unlicensed relative payment rates which are equal to the Department of Public Aid's child only standard of need. Incentives would also be built into contracts with private foster care agencies to move children into permanent arrangements, including successor guardianship.

The waivers the Department will be seeking are as follows:

- a waiver of Title IV-E to permit withholding subsidized guardianship from a randomly selected control group;
- a waiver of certain provisions of the Adoption Assistance program to authorize subsidized guardianship for children who meet the eligibility requirements of Section 673 of The Social Security Act and additional requirements set by the State, in order to authorize payment of nonrecurring guardianship expenses and for guardianship assistance payments for children;
- a waiver of eligibility requirements that limit assistance to special needs children; a waiver that would permit Federal Financial Participation in amounts expended as guardianship support payments pursuant to guardianship assistance agreements;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1996 REGULATORY AGENDA

- a waiver to authorize Federal Financial Participation in amounts expended on training and administration for the subsidized guardianship program and a waiver of the provision defining "adoption agreement" to allow that term to include "guardianship assistance agreement".

- B) **Statutory Authority:** Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505] and the Adoption Assistance and Child Welfare Act of 1980 942 U.S.C.A. 670 et seq.).

- C) **Schedule meeting/hearings, meeting dates:** Public hearings are being scheduled in Chicago and Springfield to solicit comments on the proposals of this Regulatory Agenda. The date, time and place for the public meetings can be obtained by contacting:

Jackie Nottingham, Chief
Office of Rules and Procedures
Voice: (217) 524-1983
TTY: (217) 524-3715

Testimony from concerned parties will be limited to ten minutes per person. We will gladly accept written testimony at the public hearings. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures as specified above. Written comments on the substance of the proposed waiver may also be submitted as specified in 7) below.

- D) **Date agency anticipates First Notice:** The publication of the proposed amendments is dependent on the approval of the Federal waiver request.

- E) **Affect on small businesses, small municipalities or not for profit corporations:** It is not known at this time whether the proposed waiver, if granted, will have an affect on small business. Information concerning this regulatory agenda shall be directed to:

- F) **Agency contact person for information:**

Joe Loftus
Executive Deputy Director
Illinois Department of Children and Family Services
100 West Randolph Street
Chicago, IL 60601
(312) 814-4650

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

JANUARY 1996 REGULATORY AGENDA

- G) Other pertinent information concerning the Public Hearings: Public comment about the proposed Federal waiver is being facilitated by the African American Family Commission, Executive Director, Terry A. Solomon, (312) 326-0368.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

JANUARY 1996 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the State Employees' Retirement System of Illinois, 80 Ill. Adm. Code 1540.60

1) Rulemaking:

- A) Description: The State Employees' Retirement System of Illinois is considering an amendment involving the optional repayment of a refund received while legal action was pending. Previously, if a member was reinstated, he/she was allowed to reestablish the service credit forfeited if the refund was repaid within 30 days of notification by the System. This repayment would be permitted without interest charged to the member. If the member were unable to repay the entire amount of the refund within the 30-day period, he/she would need to establish 24 months of service credit before being allowed to repay the refund on an installment basis. This change waives the 24-month service credit requirement, and allows the member to repay the refund, with interest, in a lump sum or installments immediately, if he/she chooses. The member may still repay the refund without interest if paid in its entirety within 30 days of notification by the System.

- B) Statutory Authority: 40 ILCS 5/14-135.03

- C) Scheduled meeting/hearing dates: Executive Committee meeting on January 18, 1996.

- D) Date agency anticipates First Notice: February 1, 1996

- E) Affect on small businesses, small municipalities or not for profit corporations: None

- F) Agency contact person for information:

Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 S. Veterans Parkway
Springfield, IL 62794-9255
(217) 785-7444

- G) Related rulemakings and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 5, 1995 through December 11, 1995 and have been scheduled for review by the Committee at its December 12, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/18/96	Department of Nuclear Safety, Volunteer Location(s) Procedures for Selecting a Site for the Development of Low-Level Radioactive Waste Disposal Facility (32 Ill Adm Code 610)	10/20/95 19 Ill Reg 14511	12/12/95
1/18/96	Environmental Protection Agency, Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183)	8/18/95 19 Ill Reg 11731	12/12/95
1/19/95	Department of Mental Health and Developmental Disabilities, Medicaid Home and Community-Based Services for Developmentally Disabled Recipients (59 Ill Adm Code 120)	5/5/95 19 Ill Reg 6227	12/12/95
1/19/96	Department of Insurance, Credit Accident and Health Insurance Rules (50 Ill Adm Code 952)	7/7/95 19 Ill Reg 8882	12/12/95

Rules acted upon during the quarter of October 1 through December 31, 1995 are listed in the Issues Index by Title number, Part number and Issue number. For example, 32 Ill. Adm. Code 610 published in Issue 42 will be listed as 32-610-42. This Issues Index supplements the Sections Affected and Cumulative Indexes published in the October 13, 1995 Illinois Register (Issue 41). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

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